

United States in severing relations with Germany; to the Committee on Foreign Affairs.

Also, petition of T. K. Rowen, of Ocean Grove, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Christadelphians, praying for exemption from all forms of military service; to the Committee on Military Affairs.

Also, petition of the Commercial Exchange of Philadelphia, Pa., approving recent act of the President of the United States in severing relations with Germany; to the Committee on Foreign Affairs.

By Mr. ELSTON: Petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prohibit the manufacture and sale of alcoholic liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Knox Presbyterian Church, Berkeley, Cal., for the passage of a bill to prevent advertising of, and soliciting for, sale of alcoholic liquor by mail in prohibition territory; to the Committee on the Judiciary.

By Mr. FULLER: Memorial adopted at a mass meeting of organized labor protesting against war and asking a referendum vote before war is declared by Congress; to the Committee on Foreign Affairs.

Also, petition of 54 people of the Woman's Christian Temperance Union of Genoa, Ill., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, memorial of the Commercial Exchange of Philadelphia, indorsing the action of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Memorial of the Lawrence Chamber of Commerce, relative to the separation of the Long Island Sound steamships from the control of the New York, New Haven & Hartford Railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Dorchester and Boston, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boston, Haverhill, and Newton, all in the State of Massachusetts, urging that the people be consulted by referendum before Congress declares war; to the Committee on Foreign Affairs.

Also, memorial of the New York Association for the Protection of Game, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. GARDNER: Memorial adopted by the Union League Club of New York, indorsing the recent act of the President in severing diplomatic relations with Germany; to the Committee on Foreign Affairs.

Also, petition of William F. Eldredge and other residents of Rockport, Mass., urging passage of House bill 20080, known as the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. HAYES: Memorial adopted by citizens of the city of San Jose, county of Santa Clara, Cal., asking investigation of labor conditions at Everett, Wash.; to the Committee on Labor.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 20926, to increase pension of Benjamin Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20927, to increase pension of John W. Vanfossen; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 20429, granting increase of pension to Charles E. Spear; to the Committee on Invalid Pensions.

Also, paper to accompany House bill 20928, to increase pension of Alonzo M. Hobbs; to the Committee on Invalid Pensions.

By Mr. LOUD: Petition of Leo Luedtke and 22 other citizens of Tawas City, Mich., relative to declaration of war only by referendum vote; to the Committee on Foreign Affairs.

By Mr. MORIN: Petition of Mrs. Edward A. Jones, president of the Congress of Women's Clubs of Western Pennsylvania, relative to Congress indorsing the movement of the Bureau of Naturalization and the public-school authorities in the work of educating the alien; to the Committee on Immigration and Naturalization.

By Mr. PATTEN: Petition of sundry citizens of New York, relative to Americans keeping out of the danger zone; to the Committee on Foreign Affairs.

By Mr. ROWE: Petition of sundry citizens of Brooklyn and New York, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of Miss Jean W. Simpson, New York, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Commercial High School, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Louise Merritt, Brooklyn, N. Y., favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, memorial of the American Forestry Association, Washington, D. C., favoring legislation to eradicate the pine-blister disease; to the Committee on Agriculture.

By Mr. STAFFORD: Memorials adopted by the 'Masons and Bricklayers' Union No. 8, of Milwaukee, protesting against a declaration of war against Germany; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Petition of Women's Clubs of Western Pennsylvania, in support of Senate bill No. 7909; to the Committee on Immigration.

By Mr. TINKHAM: Petition of Boston Gaelic School Society, against enacting any law abridging the rights and liberties of American citizens; to the Committee on the Judiciary.

By Mr. WARD: Petition of Lorin Schantz and 14 residents of Highland, N. Y., opposing mail-exclusion and prohibition measures; to the Committee on the Judiciary.

Also, petition of E. J. Depuy and other residents of Wurtsboro, N. Y., for the submission to the States of a national prohibition amendment; to the Committee on the Judiciary.

Also, petition of 125 people of the Methodist Episcopal Church of Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 220 people of the Friends' Church, Clintondale, N. Y., favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. WHALEY: Petitions of sundry citizens and church organizations of South Carolina, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, February 16, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Stone
Bankhead	Hughes	Oliver	Sutherland
Brady	Husting	Overman	Swanson
Bryan	James	Owen	Thomas
Cañon	Johnson, S. Dak.	Page	Thompson
Chamberlain	Jones	Poin Dexter	Tillman
Clapp	Kenyon	Ransdell	Townsend
Colt	Kirby	Robinson	Vardaman
Culberson	La Follette	Saulsbury	Wadsworth
Cummins	Lane	Shafer	Walsh
Curtis	Lea, Tenn.	Sheppard	Warren
Fernald	Lodge	Sherman	Weeks
Fletcher	McCumber	Shields	Williams
Gallinger	Martin, Va.	Simmons	
Gronna	Martine, N. J.	Smith, Md.	
Hitchcock	Myers	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the absence of the senior Senator from Oklahoma [Mr. GORE] on account of illness. I ask that this announcement may stand for the day.

Mr. LEA of Tennessee. I have been requested to announce that the Senator from Illinois [Mr. LEWIS] is detained from the Senate on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

GOVERNMENT OF PORTO RICO.

Mr. SHAFROTH. I desire to ask for a unanimous-consent agreement. I send it to the desk and ask that it may be read.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 1 o'clock on Saturday, February 17, 1917, the Senate will proceed to the consideration of H. R. 9533, a bill to provide a civil government for Porto Rico, and for other purposes, and during that day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 1 o'clock on the 17th day of February, 1917, no Senator shall speak more than once or longer than five minutes upon the bill or more than once or longer than five minutes upon any amendment offered thereto.

Mr. LODGE. Mr. President, if I may be permitted a word, the bill, I understand, is substantially completed. It is a very important bill and ought to pass; but there is pending to it a

prohibitory amendment which, without a referendum, will give rise to a great deal of debate, and properly so. I am not prepared at this stage to consent to a unanimous-consent agreement.

Mr. SHAFROTH. I will state to the Senator that every amendment has been disposed of except this one.

Mr. OVERMAN. I shall have to object.

Mr. LODGE. That is what I did.

Mr. SHAFROTH. I know; but it does seem to me that if I do not get in the bill before the revenue bill I can not get it up at this session. That is the trouble. That is the reason why I want Senators to agree that a final vote shall be taken.

Mr. LODGE. The Senator from Colorado knows that if the referendum is accepted as to the prohibitory amendment, the bill will pass in a few moments, but if the referendum is not accepted, I feel I shall be compelled to object to the unanimous-consent agreement.

Mr. SHAFROTH. I have been struggling for some time to get the Senate to agree to some proposition for fixing a time for a final vote on the bill.

Mr. GRONNA. May I ask the Senator from Massachusetts why he is so fearful of allowing the Senate to vote on the amendment referred to?

Mr. LODGE. Because, Mr. President, I am firmly of the conviction that prohibition ought not to be imposed on any community without their having an opportunity to pass upon it.

Mr. GRONNA. Then, if that be true, is it not reasonable to believe that the Members of the Senate have sufficient intelligence to vote the proposition down?

Mr. LODGE. Does the Senator from North Dakota mean the referendum?

Mr. GRONNA. I refer to the proposed amendment.

Mr. LODGE. As I said before, if the referendum could be attached to the bill, I would not have one word of objection to make; but if the referendum is in doubt, it will lead to a great deal of discussion. Therefore, I object to the suggestion of the Senator from Colorado.

POST OFFICE APPROPRIATIONS.

The Senate resumed the consideration of the bill (H. R. 19410) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes.

Mr. NORRIS. Mr. President, I offer an amendment to the pending bill, which I send to the desk.

The VICE PRESIDENT. Does the Senator mean an amendment to the amendment now pending?

Mr. NORRIS. It is an amendment to the amendment?

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Commencing on page 4, line 23, it is proposed to strike out, after the words "shall be," down to and including the word "thereof," in line 4, on page 5, and in lieu thereof to insert the following:

The zone system now applying to parcel-post matter to be adapted also to second-class matter at the following rates, to wit: Local, first and second zones (under 150 miles), one-half cent per pound; third zone (300 miles), 1 cent per pound; fourth zone (600 miles), 1½ cents per pound; fifth zone (1,000 miles), 2 cents per pound; sixth zone (1,400 miles), 2½ cents per pound; seventh zone (1,800 miles), 3 cents per pound; eighth zone (over 1,800 miles), 3½ cents per pound.

Mr. OLIVER. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state his inquiry.

Mr. OLIVER. I should like to have the present parliamentary situation explained. It seems to me that this amendment to the amendment which is proposed by the Senator from Nebraska is not in order as an amendment to the proposition that is now pending, as I recollect it.

Mr. NORRIS. As I understand, the vote by which the amendment was agreed to was reconsidered and the amendment is now before the Senate.

Mr. SMOOT. No, Mr. President.

Mr. OLIVER. And it was defeated, as I understand.

Mr. SMOOT. The motion before the Senate is to adopt the following:

Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. NORRIS. That is not a motion; that is a right, as I take it, the Senator has. I do not want to interfere with his right to ask for a division of the question; and when we come to vote we will have to vote on that question; but that does not preclude amendments either to that part or to any other part of the pending amendment. The pending amendment, Mr.

President, is the entire matter commencing on line 15, page 4, and ending on line 9, page 5. That amendment contains more than one proposition or, at least, that is the theory of the Senator, and I agree with him that it is perhaps subject to division. It seems to me that it is, and I think the Senator has a right to demand a division. I am not objecting to that, but he does not get that right to demand a division by making a motion; there is no motion pending—

Mr. SMOOT. Yes; there is.

Mr. NORRIS. There is no motion pending to divide the question. Any Senator has a right, if the question is divisible, to have a separate vote; but any part of the amendment is subject to amendment, and, I take it, we will not vote until the amendments are disposed of, at least so long as there is one pending. Therefore, it seems to me that the amendment I have offered is in order now. If it is adopted or if it is defeated, it does not interfere with the right of the Senator from Utah or any other Senator to make any demand in regard to a division of the question that he may desire to make.

Mr. SMOOT. Mr. President, on page 3776 of the CONGRESSIONAL RECORD, after the vote was taken on the motion to reconsider, and it was agreed to, the Senator from Utah made this statement:

Mr. SMOOT. Mr. President, I now ask for a division of the two questions in the amendment now pending, the first vote to be taken upon the following part of the amendment:

Provided, That on and after July 1, 1917, drop letters shall be mailed at a rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices.

Mr. NORRIS. That is not a motion; that is a right the Senator has.

The VICE PRESIDENT. There is no doubt about the right to amend this amendment and there is no doubt that the amendment of the Senator from Nebraska is in order. When the matter comes to a vote the Senator from Utah has a clear right to have a separate vote on the first branch of the amendment, but that does not prevent an amendment being offered to the amendment.

Mr. OLIVER. Mr. President, another parliamentary inquiry.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. OLIVER. I ask whether, the question being divided, a point of order will lie against a part of the amendment without lying against all?

The VICE PRESIDENT. The present occupant of the chair has heretofore decided that the proper decision is to sustain the point of order to the entire amendment, if it is sustainable, and then that portion of it subject to a point of order can be presented by a new amendment. That has been the uniform ruling of the present occupant of the chair.

Mr. NORRIS and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. The Senator from Nebraska.

Mr. NORRIS. Mr. President, I desire briefly to address myself to the question. I should like to say to the Senator from Utah that I am compelled to be absent from the Senate to attend a conference meeting that is in session now, and I should be glad if I could have permission to say what I have to say now, and then attend that meeting.

Mr. President, I listened with a great deal of interest to the Senator from Georgia [Mr. SMITH] last night before we adjourned. I had given to this subject some little consideration, and it seemed to me that the Senator from Georgia stated the principle properly in his argument. The amendment that I have offered carries out that idea, with the exception, of course, that men may disagree as to the charges that ought to be made in the various zones.

To begin with, it is conceded that second-class matter costs a great deal more to the Government than the Government gets out of it. I believe the experts say that it involves a loss to the Government of some \$80,000,000. I think it is conceded also that within a comparatively small radius of the place of publication, if the Government carries the second-class matter at the rate provided by law, to wit, 1 cent a pound, it makes a profit out of the business. Then, I presume it will be conceded also that no one desires to make a profit out of the business, and I think it will be conceded by a large proportion, at least, of Senators and others who have given the question consideration, that it would not be wrong as a matter of governmental policy if we did grant to newspapers and other publications in the second-class list some subsidy. I think it is also conceded, however, that we ought not to grant the large amount of subsidy that the present law grants.

Newspapers and magazines, as I understand, do not use the mails for the transportation of their publications within a small

radius of 100 or 150 miles from the place of their publication, because they can send them cheaper by express. There is, therefore, no economy in their using the mails. They do not use them because they can do it cheaper otherwise. We do not get that part of the business, no matter what the rate is. If we fix a rate that is higher than the express companies will charge, the business will go, and properly go, to the express companies.

I am willing that there should be some loss on the matter. It seems, therefore, if we want to provide for the most economical method of handling this business that it is absolutely necessary to divide the country up into zones and take distance into consideration.

Why should we not take distance into consideration? Why, Mr. President, we had it discussed a great many years when we had the Parcel Post System before us; and it finally resulted, after a great deal of consideration and debate, in the adoption of what is known as the zone system. Wherever the weight is sufficient to be a material item in the transportation of an article, no matter what it may be, then distance becomes important. It is not so important in a letter; and we have a universal rate extending over the entire country on a letter, because the weight is so small that it would cost more to compute a mileage and a weight basis than it would save. But when we come to carrying bulky articles, tons of articles, when we come to carrying publications by the ton, by the carload, then distance ought to be considered. The express company, whose rates are made up entirely on the theory of a business proposition, considers distance on such articles. We consider it on everything else. So that when the weight becomes a material matter we ought to take distance into consideration, because that is a part of the cost. We can not eliminate it, as a matter of fact, when we come to pay the bill. Why should we eliminate it when we come to make the charge?

I hold in my hand one copy of the publication known as the Iron Age, issued January 4, 1917. It weighs 4 pounds and 14 ounces.

Mr. SMITH of Georgia. Nearly five pounds.

Mr. BRYAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Florida.

Mr. BRYAN. Right upon that point I want to make this suggestion to the Senator: The present rate is 1 cent per pound in any zone.

Mr. NORRIS. Yes.

Mr. BRYAN. The Senator's amendment would make it half a cent a pound—

Mr. NORRIS. For the first 150 miles.

Mr. BRYAN. In the first zone; that is, up to 150 miles.

Mr. NORRIS. Yes.

Mr. BRYAN. That is reducing the present rate.

Mr. NORRIS. Yes, sir.

Mr. BRYAN. Now, here is what will happen unless the Senator allows the rate to remain at least 1 cent per pound. Here is exactly what will happen: That document, and others like it, will be shipped by freight into the zone, and then it will be mailed out from there; and the Government will suffer twice the loss it is suffering now on that kind of a publication within that zone.

Mr. NORRIS. No; I do not agree with the Senator. Take this very publication: I do not suppose, within the first 100 or 150 miles, that they send it by mail. It goes by express.

Mr. BRYAN. No; the Senator does not get my point at all.

Mr. NORRIS. Just let me finish; then I shall be glad to yield to the Senator. It goes by express. There is a profit in it. We do not get the profit. Wherever they are going to send it a distance that the express company will not carry it, we get the business, but there is a loss in it. Now, I have no objection to the publishers sending it by freight and then putting it in another zone and letting it be mailed there. I suppose we would have to change the law before a publication could do that; it must be mailed at the office where it is published, but I have no objections to that.

Mr. BRYAN. I will suggest this to the Senator: Let the present rate stand up to 300 miles—up to the end of the second zone—and then begin the Senator's addition, instead of cutting it down, because that will happen, and that is the very thing that has happened in the parcels post. That is the thing that happens in connection with these great catalogues, weighing several pounds, gotten out by the mail-order houses. They ship them into the zone in which they will be delivered, and the Government sustains the loss. If the Senator puts this rate at half a cent a pound, there will be an inducement to do that. The Senator can very easily leave it 1 cent up to the 300 miles, and then begin his increase, without putting in jeopardy the revenues that are now obtained by the Government.

Mr. NORRIS. I have discussed that question to some extent, and I will return to it again before I close. I was not quite through with the general explanation I wanted to make.

Mr. BRYAN. Just one other suggestion. I notice that the Senator's amendment puts in parentheses the mileage contained in the zones. For instance, he says, "third zone (300 miles), * * * fourth zone (600 miles)." I suggest to the Senator that he modify his amendment by striking out the number of miles, because, of course, the third zone is from 300 up to 600 miles, and just leave it "third zone." The law fixes that.

Mr. NORRIS. No; the third zone is from 300 miles down. The Senator refers to the language in the parentheses?

Mr. BRYAN. Yes.

Mr. NORRIS. I have no objection to striking that all out.

Mr. BRYAN. I suggest that the Senator leave that out.

Mr. NORRIS. I only put that in as a matter of explanation to Senators who might read the amendment. That is the only reason why I put it in.

Mr. BRYAN. That is a very good purpose, but it ought not to be incorporated as a part of the amendment.

Mr. NORRIS. I think that is a good suggestion. I am perfectly willing to strike that out. Now let me proceed.

I was taking this particular publication as an illustration. It is estimated that 10 per cent of the edition of this publication goes by express. Why? Because they can send it cheaper in that way. Wherever there is a profit in it the express company will carry it; and I am not complaining of that. That is what I would do if I were publishing. That is what anybody would do. The publishers are perfectly justified in doing it; but it seems to me that we ought to fix the law so that we would not get a profit, and yet so that we would get the business. It would be advisable, if we could, to send these publications for a less rate than that I have named in the amendment. We do not want to make money out of it. It is also stated here, however—I think I got this information from the Senator from Florida; I think probably he has already read it to the Senate—that the Government received \$614 for distributing this publication, and that it cost the Government \$4,300 to make that distribution.

It is estimated, I do not know that it is a correct statement or not, that the price for advertising matter in this publication is \$50 a page. There are 636 pages of advertising matter here, and at \$50 a page it would amount to \$31,800. There are 132 pages of other matter, reading matter, so called, in the publication.

Mr. President, it may be an exaggerated instance, but there are thousands of other illustrations that could be given, daily newspapers, Sunday editions particularly, that only in a smaller degree illustrate the same proposition. I do not believe that the Government ought to carry that at the rate we are compelled under the law to exact now. It is not unjust to make the charge somewhat commensurate with the service.

There would be a loss undoubtedly if this amendment were adopted; the Government would not get out whole; I am not expecting or asking that it get out whole, but it would base the charges somewhat on the cost the Government is put to in making the distribution of these publications.

Now, I want to say just a word about the rates I have named. I am not an expert. These rates may not be high enough, some of them may be too high, although I doubt that. I have tried to make them, if there is anything varying, too low rather than too high. This is going to conference. The Post Office Department has its experts. If there is something wrong with the rate I propose to charge here it can be remedied when we get the evidence of experts before the conference committee. In other words, it seems to me that it is the fundamental principle involved that we ought to enact into a law so that we can base the charges somewhat upon the cost.

Mr. WORKS. Mr. President—

Mr. NORRIS. I yield to the Senator from California.

Mr. WORKS. The principal objection I see to this zone system, if I may call the Senator's attention to it, is that it very evidently discriminates in favor of the large dailies in the cities, for example, and against the fraternal and religious publications that go out all over the country, because of their extended membership. I have received many telegrams from publications of that kind, as I suppose every other Senator has, calling my attention to the injustice of the zone system as applied to that kind of a publication. I think it would be utterly unjust, because the large daily newspaper circulates only a short distance away from home and almost all such publications would fall inside the first zone and would not be called upon to pay the additional amount that would result from this zone system, while the fraternal publications and religious publications go out all over the country, and their members would be subjected to the higher rate of postage. That seems to me to be unjust.

Mr. NORRIS. Mr. President, I want to say in answer to the Senator from California that I have given that matter some attention, and I have received the same kind of protests he is making. I would be glad to be more lenient if I could to the kind of publications the Senator mentions. I do not see how it is possible, however, to do it unless we would base it on the proposition of advertising. If we base the charges on the amount of advertising that a concern does and charge them a higher rate for the advertising part of it than for the other, we might reach that somewhat, but these publications would not agree not to carry advertising matter. After all, however, if we come down to a matter of absolute justice, has any proprietor of a newspaper or magazine the right to ask the Government to do something for him for nothing, or do so much more for nothing than it will do for its other citizens? If the daily newspaper circulates within 150 miles of its place of publication it costs the Government less to transport it and deliver it to subscribers than if it traveled 5,000 miles. So we have to take into consideration the interests of the taxpayers of the entire people of the country somewhat, and they ought to be given some consideration, because they have to pay the bill.

Mr. SMOOT. Mr. President, I notice the Senator proposes 3½ cents per pound on second-class mail matter going to the eighth zone. Of course the eighth zone embraces all distances over 1,800 miles. If that were the case, then second-class mail matter that came from anywhere in the East going to any place, say, 300 miles west of Omaha, would have to pay 3½ cents a pound?

Mr. NORRIS. Yes.

Mr. SMOOT. I think that that is an exceedingly high rate to be imposed upon the papers of many of the religious and other organizations, farmers' journals, and so forth. If it is to be applied to the second-class mail matter, if we are going to charge 3½ cents a pound on second-class mail matter and make a zone system for second-class mail matter, why should not the same principle be made to apply to first-class mail matter? We make no zones for first-class mail matter.

Mr. NORRIS. Let me answer that, Mr. President. I thought I did answer it. First-class mail matter consists of letters. It would be impracticable to make a zone system of letter mail because the weight is an infinitesimal matter, it is too small to be taken into account, whereas a newspaper or magazine sending out tons on every publication day it can easily be and must be weighed at the time it is sent out. It is an easy matter to apply the zone system to that, but it would bring infinite confusion to apply it to every letter, so that every time you mailed a letter you would have to inquire of the postmaster how much postage you would have to put on it. In other words, while in theory the zone system would be all right in the letter mail, in the matter of practice it would be impracticable. It would take too much time to work it out, cause too much confusion, and do much more damage than it would do good.

Mr. SMITH of Georgia. Will the Senator yield to me just a moment? The two elements of cost to the Government are handling and hauling. The letter is so light that the hauling cost amounts to practically nothing to the Government—

Mr. NORRIS. That is right.

Mr. SMITH of Georgia. While the handling cost is 80 per cent of the expense to the Government. So distance does not substantially affect the cost to the Government of handling first-class matter. The bulk comes as to second-class matter, and that is why the zone system is right as to one and wrong as to the other.

Mr. NORRIS. I thank the Senator. I think what he states is correct. I want to call attention, however, to the criticism of the Senator from Utah. I have fixed for the eighth zone 3½ cents. He says that is too high. The Senator from Florida complains that the first zone is too low. Of course, we will always disagree as to those rates. Other Senators will say that the eighth zone is too low. It has cost us more than 3½ cents to handle second-class mail in the eighth zone. We must reach a compromise somewhere. The experts of the department say it costs 8 cents per pound. So if I am proposing to charge 3½ cents a pound, and it costs 8 cents to do the work, certainly the owners who are circulating their publications in the eighth zone ought not to complain. It seems to me that we are treating them liberally.

Mr. President, as I said, I am called out to attend a conference committee and I will now yield the floor. I think this matter should go through in some form. I am not so much impressed with the particular rates I have attached here. My own idea is they are right, but I know it is a matter of compromise, and I know that to some extent it is a matter of expert knowledge. The conferees on the part of the Senate and the conferees on the part of the House can have, and will have, before

them the assistance of all the experts that the Government has in the Post Office Department. It seems to me if we once adopt the fundamental principle we will be able to work out a system that is fair, and if it should be found on trial that some rate is too low or some rate is too high it could be easily modified, even if a mistake were made, at a subsequent Congress.

Mr. BRYAN. Before the Senator concludes—

Mr. NORRIS. I yield to the Senator.

Mr. BRYAN. I ask him if he will not modify his amendment so as to fix the rate at 1 cent per pound in the first and second zone?

Mr. NORRIS. No; Mr. President, I have not been impressed with the argument, much as I usually admire the logic of the Senator, that that rate ought to be 1 cent a pound. I do not think there is anything sacred about a 1 cent a pound rate. We are making a profit in that part. We ought not to do that. We ought to do it just as economically as we can.

Mr. BRYAN. The Senator says he is about to leave the Chamber?

Mr. NORRIS. Yes?

Mr. BRYAN. I am going to move before the Senator's amendment is disposed of to raise the rate from one-half cent to 1 cent, and I give notice of it so that no one can come back here and say that any advantage has been taken of him.

Mr. NORRIS. The Senator, or course, or any other Senator, can move any modification he pleases, and I can vote against it; although even if that modification were made I would still favor the amendment.

Mr. HITCHCOCK. I should like to ask my colleague if he reserved in Committee of the Whole the privilege of offering this amendment?

Mr. NORRIS. No; I did not.

Mr. HITCHCOCK. I make the point of order that the right to offer that amendment was not reserved.

The VICE PRESIDENT. The point of order is overruled.

Mr. HITCHCOCK. Will the Chair advise me on what ground?

The VICE PRESIDENT. A Senator does not have to reserve anything in Committee of the Whole. Any Senator has a right to offer any amendment in the Senate.

Mr. NORRIS. It is a common occurrence and happens nearly every time we get a bill into the Senate.

Mr. HITCHCOCK. This was passed upon in Committee of the Whole?

Mr. NORRIS. This amendment was not passed on in Committee of the Whole. It was not offered in Committee of the Whole.

The VICE PRESIDENT. No.

Mr. HITCHCOCK. Then I make a point of order against the amendment now before the Senate to which my colleague offers his amendment.

The VICE PRESIDENT. This whole thing is going to be settled in the Senate and the Chair is going to save time. On the amendment which is now under consideration the point of order was sustained in Committee of the Whole. There was no right to offer it in the Senate. Therefore, by unanimous consent it came in the Senate; no one raised the question. The Chair believes that it is now before the Senate by unanimous consent and overrules the point of order. An appeal can be taken and we can get along very rapidly.

Mr. HITCHCOCK. Mr. President, I make the point of order that it is legislation on an appropriation bill.

The VICE PRESIDENT. That is the one the Chair has just ruled on.

Mr. STONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. The amendment before the Senate to which the ruling of the Chair just made was directed, relates to that part of the amendment which concerns first-class postage.

The VICE PRESIDENT. No.

Mr. STONE. The part upon which the Senator from Utah demanded a separate vote.

The VICE PRESIDENT. The Chair knows that the Senate is going to settle this question, and for the purpose of expediting matters the Chair rules: First, the Chair has uniformly held that a point of order goes to the entire amendment and not to the right of a Senator to have a vote upon certain portions of the amendment; therefore, any point of order raised goes to the amendment and not to a part of the amendment. From that ruling no appeal has ever been taken. Secondly, this entire amendment was ruled out in Committee of the Whole upon a point of order.

When general legislation subject to a point of order has been presented by amendment and the point of order has been raised and sustained as in the Committee of the Whole, and it is

subsequently introduced in the Senate and passed by the Senate, it can not be reconsidered for purposes of raising a point of order to it, but only for purposes of amendment.

Mr. BRYAN. I beg to correct the Chair. It was not ruled out on a point of order. The Senate refused to waive the rule.

The VICE PRESIDENT. It went out on a point of order. The Senate refused to set aside the rule so that it might be introduced.

Mr. BRYAN. That is right.

The VICE PRESIDENT. It was not therefore competent in parliamentary practice to introduce it in the Senate except by unanimous consent. When it was presented and introduced the view of the Chair is that it came in by unanimous consent, and therefore a point of order can not be sustained to it unless by unanimous consent. That is the ruling of the Chair, and there can be an appeal from it; it is very easily settled.

Mr. STONE. What is the immediate question before the Senate?

The VICE PRESIDENT. The Senator from Nebraska has just raised two points of order; one, as the Chair understands it, that this is general legislation.

Mr. STONE. My inquiry is not directed to the point of order. Waiving that for the moment, on the bill itself what is the amendment pending?

The VICE PRESIDENT. The entire amendment with reference to postal charges.

Mr. STONE. The entire amendment?

The VICE PRESIDENT. Certainly.

Mr. STONE. But the Senator from Utah [Mr. SMOOT] has asked that a separate vote be taken upon a certain clause.

The VICE PRESIDENT. Certainly. The Chair has ruled on that this morning and no appeal has been taken.

Mr. STONE. What was the ruling of the Chair?

The VICE PRESIDENT. The ruling of the Chair was that the entire amendment is before the Senate for amendment.

Mr. STONE. That is perfectly plain, but as to the part upon which a separate vote is asked?

The VICE PRESIDENT. That rule only applies to the vote. It is only applicable when we get down to a point where there is nothing to be done but to vote.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. WILLIAMS. As I understand the situation at present, the Senator from Utah [Mr. SMOOT] has asked for a separate vote upon his drop-letter 1-cent postage proposition?

The VICE PRESIDENT. Yes.

Mr. WILLIAMS. The amendment contains three separate and distinct propositions. One is to raise the postage upon newspapers, one to raise the postage upon magazines, and one to reduce the postage upon drop letters. The parliamentary inquiry which I wish to propound is this: Is it in order now for any Senator to demand as a matter of right a separate vote upon each of the three propositions? Thus far a separate vote has been demanded only upon one of them.

The VICE PRESIDENT. There is not any doubt about the right to a separate vote upon the propositions as they may finally be in the amendment when it has been perfected.

Mr. WILLIAMS. Then I wish to give notice that I demand now a separate vote finally at that stage upon each of the propositions—the drop-letter proposition, the newspaper proposition, and the magazine proposition.

Mr. BRYAN. Mr. President, a parliamentary inquiry. There are only two propositions in the amendment. One is as to first-class mail matter and the other as to second-class mail matter.

The VICE PRESIDENT. The Chair is not going to decide that question until the amendment finally comes to a vote.

Mr. STONE. It may be my fault, but the Chair's answer is not clear to me as to my inquiry. The three propositions stated by the senior Senator from Mississippi [Mr. WILLIAMS] are embraced in one general amendment. If the point of order should be made, as it can be made, against the whole amendment, can it likewise be made against any part of the amendment on a separate vote?

The VICE PRESIDENT. The Chair has already decided a number of times that the point of order must go to the entire amendment.

Mr. HITCHCOCK. If the Chair will permit me to call his attention to the RECORD, the Chair has stated that he was of the impression that unanimous consent had been given for the consideration of this amendment in violation of the rules of the Senate. I desire to call the attention of the Chair to the fact that on yesterday several requests were made for unanimous consent, and the Senator from Virginia [Mr. MARTIN] specifically objected to each one.

The VICE PRESIDENT. The Chair was in the Chamber at that time. This is the ruling of the Chair, in order to—

Mr. HITCHCOCK. Will the Chair permit me, please, to present this? I am not going to appeal from the decision of the Chair; but I am appealing to the Chair, because this is a manifest right of the dependence upon the rules of the Senate. I read from the RECORD:

Mr. MARTIN of Virginia. Mr. President, I object to the unanimous consent the Senator from Mississippi asks. I am not willing to be put on terms in respect to this matter.

Now, I desire to call the attention of the Chair to the fact that for an hour or two on yesterday afternoon before adjournment the whole question before the Senate was, whether unanimous consent should be given for the consideration of this amendment, and on every occasion when the request was put Senators specifically objected to giving unanimous consent. The whole controversy arose because unanimous consent was refused.

The VICE PRESIDENT. The Chair has a clear recollection of just what occurred upon yesterday. No Senator raised the question or asked the opinion of the Chair at that time. The Chair had ruled with the belief that there would be an appeal, that we would some time get through with the question. The Chair can not change the opinion, when a point of order has been sustained in Committee of the Whole, that that renders it improper and illegal to again introduce it in the Senate except by unanimous consent, and that unanimous consent is to be taken as having been granted when it goes to the extent of having been introduced in the Senate and adopted by the Senate. That is the ground upon which the Chair makes the ruling.

Mr. HITCHCOCK. Mr. President, on several occasions yesterday the Senator from Florida [Mr. BRYAN] inquired whether this could be done and no point of order raised, and on each of those occasions some Senator asserted that a point of order would be raised at the proper time. The amendment of the Senator from Utah [Mr. SMOOT] is in order for the reason that he gave notice that he would reserve the right to offer the amendment, and no point of order has as yet been raised against that particular amendment for 1 cent drop-letter postage; but on every possible occasion the point of order has been made against the amendment that is now presented to the Senate.

The VICE PRESIDENT. The Chair has no pride of opinion; and the Senator from Nebraska may be entirely right. The Chair, however, has ruled for the purpose of bringing the matter to an issue. An appeal from the decision of the Chair will very speedily settle the question. The Chair will not feel the least bit put out at Senators voting against the ruling of the Chair.

Mr. GRONNA. Mr. President, I do not wish to take an appeal from the decision of the Chair, though I think the Chair is wrong in his decision, because so far as the amendment offered by the Senator from Nebraska [Mr. NORRIS] is concerned, it is clearly legislation; but I wish to ask, what has become of that amendment?

The VICE PRESIDENT. It is pending, if there is no appeal taken from the decision of the Chair.

Mr. GRONNA. I inquire if it is in order to ask for a separate vote on that particular amendment? If so, I should like to make a demand for a separate vote upon it.

Mr. SMITH of Georgia. Mr. President, it was impossible to hear the Senator from North Dakota on this side of the Chamber.

Mr. GRONNA. I will try to make myself heard. I was merely making a parliamentary inquiry, I will say to the Senator from Georgia.

Mr. BRYAN. What was it?

Mr. GRONNA. My inquiry was, whether it was in order to ask for a separate vote on the pending amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. TOWNSEND. Of course, that is in order. There will have to be a vote on it.

The VICE PRESIDENT. What the Senator from North Dakota is inquiring about, the Chair assumes, is can there be a vote, first, on the question of "local first and second zones up to 150 miles, 1 cent per pound"? The Senator wants a vote on that, then a vote on the third zone, the fifth zone, and the remaining zones?

Mr. GRONNA. No; I do not care to divide the amendment, which has been offered by the Senator from Nebraska, but I ask for a separate vote on the whole amendment.

The VICE PRESIDENT. There is not any doubt that that is the amendment now to be voted on.

Mr. GRONNA. I shall ask for a separate vote on the amendment.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment.

Mr. SMITH of Georgia. Mr. President, I do not desire by my silence to accept the view that an amendment having been offered which was subject to a point of order, and a vote having been taken upon that amendment, and the Senate subsequently having reconsidered that vote, that the point of order can not still be made; but I shall not enter an appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair wishes the Senator from Georgia would do so.

Mr. SMITH of Georgia. But I shall not. I am sorry I can not accede to the wishes of the Chair. I do not, however, wish it to be understood that there is a unanimous approval of the ruling of the Chair. I desire, Mr. President, to address myself to the merits of the question, unless some other Senator desires to enter an appeal from the decision of the Chair. I shall not; but if any other Senator desires to do so I shall yield.

Mr. STONE. Mr. President, if the Senator from Georgia will permit me, I would like to say a word. A situation such as we are now confronted with might arise at almost any time. Where an amendment objected to in the Committee of the Whole and against which a point of order is raised and sustained by the Chair, and when afterwards the amendment goes to the Senate, possibly at a time when Senators are away or when those who made the point of order are absent, the provision is again put into the bill, as was done in this instance, and when afterwards a motion to reconsider the action of the Senate is properly made, as has been done in this instance, and sustained by a vote of the Senate, this situation will, of course, be repeated. The contention is to say that some form of implied unanimous consent brought the amendment before the Senate, and that on that account it is no longer subject to a point of order. That seems to me to be clearly an erroneous ruling. It would furnish an opportunity in one way or another, possibly through the fault of absent Senators, but still by a way of doubtful propriety, of injecting into a bill a provision subject to a point of order, and against which there might be a majority of the Senate. I think it would be a bad practice to establish, and I am going to appeal from the ruling of the Chair and let the Senate settle it.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. HITCHCOCK. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Sterling
Bankhead	Gronna	Norris	Stone
Beckham	Harding	O'Gorman	Sutherland
Borah	Hitchcock	Oliver	Swanson
Brady	Hughes	Overman	Thomas
Brandegee	Husting	Page	Thompson
Bryan	James	Poindexter	Tillman
Catron	Johnson, S. Dak.	Ransdell	Townsend
Chamberlain	Kenyon	Reed	Vardaman
Clark	Kirby	Robinson	Wadsworth
Culberson	La Follette	Shafroth	Walsh
Cummins	Lane	Sheppard	Warren
Curtis	Lea, Tenn.	Shields	Watson
du Pont	Lodge	Simmons	Weeks
Fall	McCumber	Smith, Ga.	Williams
Fernald	Martin, Va.	Smith, Md.	Works
Fletcher	Martine, N. J.	Smoot	

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present. The pending question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. STONE. Mr. President, I shall occupy only a moment or two. When the Chair made the ruling he stated that he expected that an appeal would be taken, and in substance expressed the desire that an appeal should be taken. I always dislike to so far disagree with the Chair as to feel obliged to take an appeal from a ruling, and never go that far unless I feel that the ruling is not only erroneous but that its effect might be seriously embarrassing in the future.

Mr. President, where an amendment to a bill is clearly subject to a point of order as being violative of the rules of the Senate, and the point of order is made against it and sustained while the bill is being considered as in Committee of the Whole, and where later, when the bill reaches the Senate proper, and the amendment, through some inadvertence or for some other reason is inserted in the bill by the action of the Senate without a renewal of the point of order being made against it and when later still a motion to reconsider the action taken in that behalf is made and carried by a vote of the Senate, I hold that the parliamentary status of the amendment becomes the same as that which it held before it was agreed to; in other words, that the legislative or parliamentary status which existed before its adoption

is reestablished by the motion to reconsider. If any other rule is agreed to, if the judgment of the Chair as announced is approved, it will follow that whenever an amendment, no matter what it is or how objectionable it may be to Senators, finds its way into a measure through processes similar to that which led to the adoption of this amendment in the Senate, every Member of the Senate is thereafter estopped from raising the point of order, even though a motion to reconsider be adopted. You may reconsider, of course, on a proper motion made by one entitled to offer it; but under the ruling of the Chair, when the reconsideration occurs, the right to raise the point of order is gone, for the reason that the Chair holds that the amendment was, in the first instance, brought before the Senate by unanimous consent, and that because of that unanimous consent could not at any later stage be made the subject of a point of order.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. Certainly.

Mr. BORAH. I wanted to make this suggestion to the Senator: It seems reasonable that after the amendment came into the Senate and the Senate accepted it and dealt with it and passed upon it the point of order was forever gone.

Mr. STONE. That is what the Chair ruled.

Mr. BORAH. That is not only what the Chair says, but it seems to me it is founded in reason, and that therefore, as far as the point of order is concerned, the right to consider that has passed. That is a thing that has passed after we have actually taken it up and considered and passed upon it.

Mr. OLIVER. Mr. President—

Mr. STONE. I hold, Mr. President, that at any point of the proceedings in cases like this the point of order can be made, except perhaps where the amendment is brought before the Senate by an express unanimous consent of the Senate. Now, it is not even contended that in this case the question of unanimous consent was ever put to the Senate.

Mr. GRONNA. Mr. President—

Mr. STONE. If there be any such thing as unanimous consent in this case, it is an implied unanimous consent—implied because no one present made the point of order. But when the matter is brought again before the Senate by the motion to reconsider, it takes the exact position it held before the Senate acted upon it.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. STONE. I am through. The Senator can take the floor.

Mr. GRONNA. Mr. President, I simply wanted to say, in reply to the statement made by the Senator from Idaho, that the Senate has had no opportunity to make any expression as to the amendment which is pending, because it has never been offered until this morning.

Mr. STONE. I wish to say that I am not proposing to offer the point of order if I could. I want the consideration to go on; but I do not think the ruling ought to be sustained, not so much because of its effect in this particular instance but because of its possible future effect in more important matters.

Mr. SMITH of Georgia. Mr. President, the implied consent from the failure to raise the point of order before the vote took place attached itself simply to that vote. There was no formal action by the Senate giving a unanimous consent. It was simply an implied unanimous consent from the failure of anyone present to raise the point, and thus the Senate was enabled to vote upon the merits of the issue. It attached itself to that vote, and to nothing else. When that vote was reconsidered the implied consent was removed also, and the whole subject was again before the Senate.

I want to say that I hope the Senator from Nebraska will not make or press the point of order, and that we may pass on this question. I will not make it myself. I did not appeal from the decision of the Chair, although I did not agree with the Chair, because I do not want the point of order made. But since we must make a record on this subject, I hope the Senate will not establish the rule declaring a unanimous consent upon facts that I do not think constituted a unanimous consent.

Mr. BORAH. Mr. President, when this matter came into the Senate presumably every Senator was in his seat.

Mr. SMITH of Georgia. Oh, no!

Mr. BORAH. That is the presumption, because we were in session. It may be a violent presumption based upon actual practice, but it is not a violent presumption based upon theory that we were all in our seats. This matter was taken up. It was passed upon. It came within the jurisdiction, as it were, of the Senate. The Senate dealt with it, and from that time on

it was under the control and jurisdiction of the Senate; and a reconsideration of the matter would not go back to the point of making it vulnerable to a point of order, because it had passed beyond that stage when we disposed of the matter by action upon it.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

Mr. BORAH. Yes.

Mr. SUTHERLAND. As I understand—I was not in the Chamber when the ruling of the Chair was made—the ruling of the Chair was based upon the proposition that the action of the Senate amounted to a unanimous consent. Now, I ask the Senator from Idaho whether unanimous consent does not mean affirmative action? The very word "consent" means that an affirmative action has been taken.

Mr. BORAH. Well, now—

Mr. SUTHERLAND. Just a moment. There is a difference between an assent and a consent. The thing that we deal with in the Senate is the unanimous consent.

Mr. BORAH. Yes.

Mr. SUTHERLAND. And the very terminology implies that the Senate has affirmatively acted upon the matter; and that, of course, did not occur here at all.

Mr. BORAH. Mr. President, I do not profess to be at all familiar with parliamentary law. I am just using a little common sense in regard to this matter—

Mr. SUTHERLAND. That is what I am undertaking to do.

Mr. BORAH. And the two things are not always harmonious. Now, Mr. President, suppose that the Senator were questioning the jurisdiction of a court, and suppose when his case was called he should proceed to the hearing of the matter, either upon the merits or upon general demurrer. Could he ever be heard thereafter to say that he had not assented or consented to the jurisdiction of the court?

Mr. SUTHERLAND. Mr. President, perhaps not; but the Senator could be heard if the rule of law applicable to that situation were the same as the parliamentary rule applicable to this situation, which the Senators will find in Rule XX, namely:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing—

And so on. Now, under the rule of the Senate the point of order may be made at any stage of the proceedings, and in a court a demurrer can not be interposed at any stage of the proceedings. It must be interposed at a particular stage of the proceedings. Here, however, the Senate has provided otherwise.

The situation seems to be that this amendment was proposed in the Senate. It had been offered in the Committee of the Whole, and had gone out upon a point of order. Therefore it was an original proposition in the Senate, not coming over from the Committee of the Whole, but, so far as this question was concerned, offered for the first time in the Senate. Now, obviously, having been thus offered, it was open to a point of order when it was first offered. No point of order was made. That does not amount to unanimous consent. It simply amounts to an assent on the part of those present that it should be dealt with.

Mr. BORAH. Let me ask the Senator a question.

Mr. SUTHERLAND. I have not quite finished my proposition. I shall be only a moment.

Mr. BORAH. I have no objection to the time taken.

Mr. SUTHERLAND. The point was not made, but the matter was voted upon and carried. Subsequently, a motion was made to reconsider, and that motion prevailed. Now, as I understand, the ordinary effect of carrying the motion to reconsider is that the matter assumes its original position; and originally, of course, it was open to a point of order.

Mr. BORAH. Let me ask the Senator a question. Suppose we had taken up this matter in the Senate as we did, and passed upon it, and reconstructed the amendment, and the vote had been taken, and it had been placed in the bill. Suppose, after that had been done, it had been finished, and we had gone on to other portions of the bill, and to-morrow or next day or the next day some Senator should say to himself: "Well, I want to raise a point of order upon that matter which we settled day before yesterday"—could he have done that?

Mr. SUTHERLAND. No; because it would then have passed to final judgment.

Mr. BORAH. Exactly.

Mr. SUTHERLAND. But here it has not passed to final judgment.

Mr. BORAH. It passed to final judgment so far as taking it up and considering it in the Senate was concerned. We assumed jurisdiction of it. That had been disposed of. We took charge of it. We passed upon it, and we completed it, and then there

was a motion made to reconsider. To reconsider what? To reconsider the amendment; not to reconsider the question of whether or not we could take it up in the Senate.

Mr. SUTHERLAND. Mr. President, let us take the Senator's own illustration of the court that he gave a moment ago. Here is a case that has been in the court and has passed to judgment, and the judge has granted a new trial. Does not that put the case back in its original position?

Mr. BORAH. Yes; but it never puts it back where he can question the jurisdiction.

Mr. SUTHERLAND. Oh, I am not so certain about that.

Mr. BORAH. I am very certain of it.

Mr. SUTHERLAND. The Senator is familiar with the rule that the jurisdiction of the court is always open to question, even when the matter has passed to final judgment, even on appeal to the Supreme Court.

Mr. BORAH. That is the jurisdiction of the subject matter; but the jurisdiction of the person, the right to take hold of him, the consenting to jurisdiction, is not open after the party has consented. Now, this is a subject within the power of the Senate, once jurisdiction is admitted; and it is admitted when we do dispose of it on the merits.

Mr. SUTHERLAND. Is not this a question of jurisdiction of the subject matter?

Mr. BORAH. No, indeed; it is not. I do not think it comes under that rule at all. It is a legislative question.

Mr. SUTHERLAND. It seems to me that it comes under the rule. A reconsideration of this matter has been allowed; and if we are to use the judicial analogy, it is precisely the same as if a new trial had been granted and it is open to every objection that might have been made immediately prior to the beginning of the original trial. Every objection is open that was open originally.

Mr. KIRBY. Mr. President, as I understand, rules are made for the purpose of expediting the orderly conduct of business and not for obstructing it. Upon yesterday, when this matter was moved to reconsideration, it was said that it was in order that it might be determined upon its merits by the Senate. It was reconsidered. Let it be conceded now that that opened the whole matter before the Senate. They come in here again this morning, and the ruling is made that this is one amendment and that it is before the Senate, and without objection. Now, when the matter is considered for a time, it has been proceeded with necessarily by unanimous consent, since nobody is objecting to it; and, that being the case, it seems to me it is too late to raise this question of order.

I think the Chair is right in overruling the question of order, and that his ruling ought to be sustained.

Mr. REED. Mr. President, I believe a mere statement of this question ought to settle it.

In the Committee of the Whole a motion was made to suspend the rules in order that the committee amendment, which was in the nature of general legislation, could be taken up. That motion was denied by a majority vote of the Senate. Nothing then was done in the Committee of the Whole. When the bill went to the Senate the following is what took place. I read from the Record, and call Senators' attention to pages 3767 and 3768:

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. Save those amendments which have been reserved for a separate vote, the question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The Secretary will state the first reserved amendment.

There follows an amendment which has nothing to do with this particular case. Then this appears:

Mr. SMOOT. Mr. President, in a letter dated January 30, 1917, to Hon. J. H. BANKHEAD, chairman of the Committee on Post Offices and Post Roads, the Postmaster General, in speaking of this matter, makes the following statement—

Then follows a letter in regard to the drop-letter business.

Then Mr. Smoot made a short speech on the subject that is now before us. He said in conclusion:

Mr. President, I am perfectly aware that a point of order will lie against this amendment, but I hope the Senator from Florida will not interpose it but allow the Senate, if there is doubt as to what the Senate really desires in this matter, to express itself by a vote.

Mr. BRYAN. If the Senator will accept an amendment to the amendment, I will agree to it.

Mr. NORRIS. I should like to ask the Senator from Utah a question.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). To whom does the Senator from Utah yield?

Mr. SMOOT. I think the Senator from Nebraska rose first, and if the Senator from Florida will just permit him to ask me a question I will then gladly yield.

Mr. NORRIS. I should like to ask the Senator if, in his judgment, drop letters would include delivery to and from rural routes starting from the office where the letter was mailed?

Mr. SMOOT. The amendment provides that, I will say to the Senator.
Mr. NORRIS. I did not so understand.

Mr. SMOOT. It provides—
"That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier and rural free-delivery offices."

That I understand was the point the Senator referred to.
Mr. NORRIS. Yes; the language does not seem to me to be plain. Suppose the letter were mailed at the office to be delivered out on the rural route; the Senator intends to include that letter?

Mr. SMOOT. I am sure the amendment would include it.
Mr. NORRIS. Suppose the letter were mailed out on a route to be delivered in town at the end of the route; would it include that?

Mr. SMOOT. You mean in a drop box?
Mr. NORRIS. Yes.

Mr. SMOOT. It would include that, I think.
Mr. NORRIS. I will say to the Senator that I offered the same amendment last year, but I specifically provided in the amendment when I offered it that it should include those. It seems to me they ought to be included.

Mr. BRYAN. This amendment was prepared by the department.
Mr. NORRIS. Does the Senator from Florida say it would include that?

Mr. BRYAN. It would.
Mr. SMOOT. It would include it. I was going to say to the Senator that this is the identical language prepared by the Post Office Department to accomplish the purpose the Senator has in view.

Mr. NORRIS. All right.
Mr. BRYAN. Of course, as the Senator from Utah says, the amendment is subject to a point of order. If the Senator will accept an amendment to his amendment, I shall not interpose the point of order.

Mr. SMOOT. What amendment does the Senator propose?
Mr. NORRIS. We can not hear the colloquy over here. I hope the Senators will speak louder.

Mr. VARDAMAN. I wish the Senators would speak louder.
Mr. BRYAN. I propose to insert at the end of the Senator's amendment—

Then follows Mr. BRYAN's amendment, which was as follows:

Provided, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: And provided further, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers, when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Of course, if I accept that amendment, I know there will be a point of order raised against it; but I will say this to the Senator: I am perfectly willing the amendment should be accepted, provided we can have it divided and have a vote in the Senate upon both questions.

Mr. BRYAN. Does the Senator accept it?
Mr. SMOOT. No, Mr. President; I am quite sure if I accepted it a point of order would be made.

Mr. BRYAN. The Senator may be just as sure if he does not accept it a point of order will be raised against his amendment.

Mr. SMOOT. Then I will accept it, in order that the whole amendment may go to conference; and now, Mr. President, I ask for a division of the amendment.

Mr. BRYAN. No; let us have a vote on it as one amendment.

Mr. SMOOT. Then I must accept the amendment, because if I do not it will go out on a point of order and prevent a consideration of the subject in conference.

Mr. BRYAN. Let the question be put.
The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Chair hears no objection.

Now, Mr. President, was that a unanimous consent of the Senate? I say it was not. It was a unanimous consent between Senator BRYAN and Senator SMOOT. It is a mere colloquy between two very able and distinguished Senators. Senator BRYAN agreed with Senator SMOOT that if his amendment went on he, Senator BRYAN, would not raise the point of order; Senator SMOOT agreed with Senator BRYAN that he would accept Senator BRYAN's amendment in order to keep Senator BRYAN from making a point of order. Accordingly these two distinguished gentlemen made a bargain each with the other that he would not raise the point of order, and thereupon, nobody else raising a point of order, a vote was had.

Now, that brings us to this situation: A vote was had upon this measure, nobody raising a point of order. We have reconsidered that vote.

Mr. SMITH of Georgia. What did we vote on? It was agreed to without any objection.

Mr. REED. That is, in fact, a vote.

Mr. SMITH of Georgia. Mr. President—

Mr. REED. Wait until I get through. We reconsidered that action of the Senate on the vote. Where does that bring us? It brings us back to where Senator BRYAN and Senator SMOOT were having their colloquy. At any time before the vote was taken in the Senate clearly anybody could have raised the point of order. We are now back at exactly that point. We have reconsidered the vote. In contemplation of law Senator BRYAN and Senator SMOOT are still bargaining each with the other that they will not raise the point of order. The vote has not been taken in contemplation of law. Accordingly at this moment anybody can raise the point of order. There is no question about that.

Mr. BRYAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Florida?

Mr. REED. Certainly.

Mr. BRYAN. There are a number of amendments that have been adopted by the Senate in Committee of the Whole to this bill. They have been agreed to in the Senate. They were adopted in the same identical way that this amendment was adopted. Does the Senator from Missouri think that a point of order can be raised upon any of those amendments?

Mr. REED. No; because they are in the bill.

Mr. BRYAN. Then, what point does the Senator make about the extract he has read from the RECORD? That amendment was adopted just like the others. It is the uniform custom when committee amendments are being considered for the Chair to say that they are agreed to without objection.

Mr. REED. I made no point on that.

Mr. BRYAN. Then it was as thoroughly adopted as if the yeas and nays had been taken.

Mr. REED. The adoption has been set aside and for naught held. It no longer is an adoption. I make no point about the way it was adopted. The Chair put the matter in the ordinary way and very properly ruled in the absence of any objection to the contrary that it amounted to a unanimous vote. But that unanimous vote is set aside, and now the matter is here for action in exactly the same form it was before the vote was taken. No man will deny the proposition that before the vote was actually taken anyone could have raised the point of order.

So far as I am concerned I hope the point of order will not be made. I hope we shall consider the entire question. I should like to vote for 1-cent postage. I should like to vote to raise the postage upon periodicals and magazines. I should like to vote to allow the newspaper postage to stand as it is at present. But it certainly can not be maintained that the vote having been reconsidered, we are not back at the identical point where we were immediately before the vote was taken, and immediately before that vote was taken any Senator was privileged to rise in his place and object to the consideration of the amendment on the ground that it embraced general legislation.

Mr. BRYAN. Mr. President, I submit that it is too late to raise a point of order, and I had that idea from the ruling of the Chair. I am frank to say that if a vote had come immediately without any debate I should have voted to overrule the decision of the Chair. I now agree with the ruling of the Chair. I do not agree with all the reasons the Chair stated. I think it is competent under the rule to offer an amendment that has been ruled out of order in Committee of the Whole. I do not believe this amendment gets its right to be considered because it was adopted by unanimous consent. It was adopted by the Senate. It has been reconsidered. There must come a time when it is too late to raise the point of order. Does not that time come when the amendment has been adopted? This amendment was adopted. I care not for the reading of the RECORD by the Senator from Missouri.

Mr. SHIELDS. Mr. President—
The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Tennessee?

Mr. BRYAN. I yield.

Mr. SHIELDS. I should like the Senator to state what particular act the unanimous consent was evidenced by. At what point in this proceeding did that consent take effect and what was the evidence or indication of it?

Mr. BRYAN. Of course the amendment was adopted without objection.

Mr. SHIELDS. It was the vote adopting the amendment? Is that it?

Mr. BRYAN. That, of course, is the theory upon which the Chair ruled.

Mr. SHIELDS. If that vote is set aside, does not that affect everything that went with it—the adoption of the amendment as well as the unanimous consent which was implied in order to authorize the Senate to vote on it?

Mr. BRYAN. That is not the question raised here.

Mr. SHIELDS. That is the very question the Senate, I think, would like to hear you on. What is the difference between this and a case that has been tried in court? Objection is not made to evidence, objection is not made to instruction when it is given, but if a new trial is granted is the court forever bound by the errors it committed at first or is the defendant bound by the case because he did not make an objection on the former trial? Does not the granting of a new trial open the whole thing up for proceedings just as it stood in limine?

Mr. BRYAN. I think the illustration of the Senator from Tennessee is a most unfortunate one. He draws an illustration from the practice of the law. I undertake to say that a man does

not demur until after he goes ahead and tries the case, and that if a new trial—

Mr. SHIELDS. The Senator is injecting a new phase. The Senator from Tennessee never made a demurrer in his suggestion that if errors were committed at the trial, because objection was not made on the first trial the party would not be precluded from making them upon the second trial.

The VICE PRESIDENT. This ruling is on the doctrine of stare decisis.

Mr. BRYAN. I was proceeding to say that the Senator from Missouri can not make any point out of what he read from the Record. The amendment was adopted just exactly as every other amendment on the bill was adopted. As Senators know it is the uniform custom here when committee amendments are read they are agreed to without objection. To say that that was done by unanimous consent, and therefore any Senator at any time before the bill leaves the Senate can raise a point of order and put that amendment out of the bill, is to say that we would never finish anything.

Mr. VARDAMAN. Will the Senator permit me just there? That was all set aside by a motion to reconsider.

Mr. BRYAN. Let us see if it was. What did we reconsider? We reconsidered the vote by which we adopted the amendment; that is all.

Mr. REED. Where did that leave us, then?

Mr. BRYAN. That left us with an amendment adopted by the Senate that the Senate wanted to reconsider.

Mr. REED. Oh, no; it left us with an amendment upon which the Senate had acted; it set aside its action, thus leaving the amendment pending, did it not; just where it was before the vote was taken?

Mr. BRYAN. But it must be remembered always that the Senate having adopted the amendment, no point of order can be raised against it again.

Mr. REED. Certainly not; after it was adopted.

Mr. BRYAN. Now, what was the vote taken on? The vote was to reconsider the vote by which it was adopted.

Mr. REED. When the Senate reconsidered the vote, was not the amendment before the Senate?

Mr. BRYAN. Of course, it was before the Senate.

Mr. REED. It was subject to debate, was it not?

Mr. BRYAN. Of course, it was.

Mr. REED. It was subject to any other thing that could have been done to it before it was adopted, because we set the vote aside.

Mr. BRYAN. Except that a point of order—

Mr. REED. It was open to further amendment, was it not?

Mr. BRYAN. It is open to further amendment.

Mr. REED. And open, of course, to anything that could have been done to it before we voted.

Mr. BRYAN. That is the very question here. I confess, Mr. President, that my interest in this amendment and my desire to have it considered may cloud my judgment somewhat about it, but I have examined the rule of the Senate, and if there is any provision in the rules that a point of order can be raised at any stage I fail to find it, either in the rules or in the precedents. First, there is no rule. Then there is no rule or decision of the Senate that concedes the right to raise the point of order at any stage of the proceedings. So now it is proposed to lay down a rule of procedure that has not been considered heretofore, and that has not been decided. What ought we to do about that? It seems to me it would save time, it seems to me it would be in the interest of the dispatch of business, to say to gentlemen who want to raise the point of order the time to do it is when the amendment is reached, and if you do not do it then you are foreclosed from any right to raise it thereafter.

Mr. SUTHERLAND. Will the Senator yield?

Mr. BRYAN. I yield to the Senator.

Mr. SUTHERLAND. What construction does the Senator from Florida give to Rule XX, which provides that—

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and unless submitted to the Senate, shall be decided by the Presiding Officer without debate, subject to an appeal to the Senate.

Mr. BRYAN. Of course that rule must have a reasonable construction. It can not mean after an amendment has been agreed to and adopted. The Senator from Utah will concede that. It must be before the Senate acts upon the proposition before it.

Mr. SUTHERLAND. Is not the rule—

Mr. BRYAN. According to a liberal interpretation of that language you could raise a point of order even after an amendment had been adopted.

Mr. SUTHERLAND. When the amendment has been adopted the proceedings are ended. This says:

A question of order may be raised at any stage of the proceedings.

When the amendment has been adopted the bill has been passed, the proceedings have been ended, but now the Senate has voted to reconsider; in other words, to grant a retrial of this matter, and the proceedings upon that amendment are pending.

Mr. BRYAN. What does that mean? That the Senate will take a new vote on the proposition desired to be reconsidered, and it can amend it?

Mr. SHIELDS. It is open to further amendment.

Mr. BRYAN. The Senate can amend it.

Mr. SHIELDS. If it is open to one thing it is open to all.

Mr. BRYAN. When you reach an amendment any Senator who proposes to raise a point of order must do it then. Of course, if we apply the strict technical rule of the Senate to this appeal it could not lie. The Chair invited an appeal and nobody appealed. The Senator from Georgia rose and was expressing his dissent from the ruling of the Chair and was going on to debate it. Then the Senator from Missouri finally appealed from the decision. I think under a very strict construction a point of order could be sustained that the appeal came too late. I am not going to raise that. I have become convinced that the ruling of the Chair is right, and I am going to vote to sustain it.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the ruling of the Senate?

Mr. VARDAMAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], but I feel at liberty to vote on this proposition, and I vote "nay."

Mr. HARDING (when his name was called). On account of the absence of the junior Senator from Alabama [Mr. UNDERWOOD], and because of my pair with him, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I notice that my pair, the Senator from Vermont [Mr. DILLINGHAM], is absent. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Illinois [Mr. LEWIS], I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I inquire if the senior Senator from New York [Mr. O'GORMAN] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GALLINGER. I am paired with that Senator. In his absence, and not knowing how he would vote if present, I withhold my vote.

Mr. CURTIS. I am requested to announce the absence of the Senator from Vermont [Mr. DILLINGHAM] on account of illness. I will let this announcement stand for the day.

Mr. GRONNA (after having voted in the negative). I transfer my general pair with the Senator from Maine [Mr. JOHNSON] to the Senator from California [Mr. WORKS] and will let my vote stand.

Mr. BANKHEAD. I desire to announce the absence of my colleague [Mr. UNDERWOOD] on account of sickness.

I also announce the absence of the junior Senator from Georgia [Mr. HARDWICK] on account of illness.

I will let these announcements stand for the day.

Mr. ROBINSON. I desire to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on important business. He is paired with the Senator from Rhode Island [Mr. COLT].

The roll call resulted—yeas 25, nays 45, as follows:

YEAS—25.

Bankhead	Hollis	McCumber	Wadsworth
Borah	Jones	Myers	Walsh
Brady	Kenyon	Nelson	Warren
Bryan	Kern	Norris	Watson
Chamberlain	Kirby	Robinson	
Clapp	La Follette	Thomas	
Fall	Lane	Townsend	

NAYS—45.

Ashurst	Fletcher	Page	Smoot
Beckham	Gronna	Poindexter	Sterling
Brandegge	Hitchcock	Pomerene	Stone
Broussard	Hughes	Ransdell	Sutherland
Chilton	James	Reed	Swanson
Clark	Lee, Md.	Shafroth	Thompson
Colt	Lippitt	Sheppard	Vardaman
Culberson	Lodge	Shields	Weeks
Cummins	Martin, Va.	Simmons	Williams
Curtis	Martine, N. J.	Smith, Ga.	
du Pont	Oliver	Smith, Mich.	
Fernald	Overman	Smith, S. C.	

NOT VOTING—26.

Catron	Husting	O'Gorman	Smith, Ariz.
Dillingham	Johnson, Me.	Owen	Smith, Md.
Gallinger	Johnson, S. Dak.	Penrose	Tillman
Goff	Lea, Tenn.	Phelan	Underwood
Gore	Lewis	Pittman	Works
Harding	McLean	Saulsbury	
Hardwick	Newlands	Sherman	

The VICE PRESIDENT. On the question, Shall the ruling of the Chair stand as the ruling of the Senate? the yeas are 25 and the nays are 45. So the Senate overrules the decision of the Chair, and the points of order to these amendments are sustained.

Mr. BANKHEAD. Mr. President, I desire to offer a substitute for the amendment which has been proposed by the Senator from Nebraska [Mr. NORRIS]. I desire to have the Secretary read the amendment in order that the Senate may know what I propose to offer.

Mr. HUGHES. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HUGHES. Is there any amendment now pending?

The VICE PRESIDENT. No amendment is now pending of which the Chair is aware.

Mr. HUGHES. That is what I understood. I merely wanted to get the parliamentary situation straight.

Mr. BANKHEAD. Does the action of the Senate overruling the decision of the Chair eliminate the amendment proposed by the Senator from Nebraska?

The VICE PRESIDENT. It does.

Mr. BANKHEAD. Then I offer the amendment which I send to the desk as a substitute amendment. I desire that the Secretary shall read it. I hope the Senate will give attention to the reading of the amendment, because I believe that perhaps it will afford a solution of this question, if the Senate will adopt it.

The VICE PRESIDENT. The amendment proposed by the Senator from Alabama will be stated.

The SECRETARY. After the figures "\$32,000,000," on page 4, line 15, it is proposed to insert:

Provided, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth parcel-post zones.

Mr. VARDAMAN. Mr. President, may I ask the Senator from Alabama if that amendment would not repeal the law which exempts the county papers from the payment of postage within the county?

Mr. BANKHEAD. It does not.

Mr. VARDAMAN. I think it does.

Mr. BANKHEAD. The provision to which the Senator from Mississippi refers is in another part of the bill, and I do not propose to amend that part of the bill.

Mr. VARDAMAN. Does the amendment not state that papers shall pay when mailed at the post office for delivery within those zones?

Mr. BANKHEAD. The free-in-county privilege is not affected by this amendment.

Mr. BRYAN. Let me suggest to the Senator from Alabama that his amendment is to take the place in part of the committee amendment.

Mr. BANKHEAD. That is it.

Mr. BRYAN. But as the amendment was read from the desk, it comes immediately after the numerals on page 4, line 15, but it ought to come in on page 5, line 4, after the word "thereof."

Mr. SMOOT. But that matter is all out.

Mr. BRYAN. Then, the Senator from Alabama can offer his amendment as an independent and separate amendment, just as he has done, including what the committee has offered down to line 4, on page 5, and then add his amendment. That is what I think the Senator intends to do.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BANKHEAD. I intended to add my amendment at the end of the committee amendment.

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry. Is the amendment proposed by the Senator from Alabama a new amendment?

The VICE PRESIDENT. It is a new amendment.

Mr. LODGE. Mr. President, we have spent a great many hours in discussing this question, and I think that the first duty of the Senate is to dispose of the appropriation bills and

not go on with these discussions. I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained. Mr. BANKHEAD. Mr. President, I hope the Senator will withhold the point of order until we can get an exact understanding as to where the amendment comes in and what its effect will be.

Mr. LODGE. Mr. President, my purpose is to expedite the passage of this bill. We might go on discussing rates on second-class matter from now until next December; it is one of the greatest and most difficult questions before us; and, if we want to get through with our work before the 4th of March, we must have some end to this debate, and I employ the point of order, and make it now.

The VICE PRESIDENT. The Chair has sustained the point of order.

Mr. BRYAN. I do not think the Senator from Massachusetts can prevent the Senator from Alabama, the chairman of the committee, from offering the amendment.

Mr. LODGE. I make the point of order against the amendment.

Mr. BANKHEAD. The Senator has not allowed me to present the amendment as I desire to present it.

Mr. LODGE. The amendment has been read from the desk.

Mr. SMITH of Michigan. Regular order!

Mr. BANKHEAD. The amendment was not inserted at the proper place. I desire to say that this amendment only affects newspapers. It has appeared from the discussion in the Senate that the desire of the Senate is not to increase the rate on newspapers beyond the present rate of 1 cent a pound, except where such papers are sent beyond 300 miles.

The VICE PRESIDENT. The Secretary will state the next reserved amendment.

Mr. SMITH of Georgia. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. Let us dispose of the amendments coming over from the Committee of the Whole.

Mr. SMITH of Georgia. The amendment I desire to offer has reference to page 4 and the subject matter that has been under consideration. The amendment is to come in on page 4, at the end of line 15.

The VICE PRESIDENT. We have not disposed of all the amendments that came from the Committee of the Whole. There is an amendment that came from the Committee of the Whole, reserved by the Senator from Iowa [Mr. KENYON].

Mr. BANKHEAD. I desire to ask the Senator from Massachusetts if he will not permit the reading of the amendment I have offered so that it may go into the Record?

Mr. TOWNSEND. He can not help it, if the Senator desires to read it himself.

Mr. BANKHEAD. I will do that if the Secretary is not permitted to do so. I want this amendment to go into the Record, and I want the Record to show what the purpose of the amendment is.

The VICE PRESIDENT. Which amendment is that?

Mr. BANKHEAD. The one I sent to the Secretary's desk, and against which the point of order was made before it was read.

Mr. JAMES. Mr. President, I think the amendment was read at the desk.

Mr. MARTIN of Virginia. The amendment was read.

Mr. BANKHEAD. Then I will read it again. It has got to go in the Record.

Mr. JAMES. It has already been read, and is in the Record.

Mr. BANKHEAD. Is it in the Record?

The VICE PRESIDENT. The amendment has been read and is in the Record.

Mr. BANKHEAD. Then I am satisfied.

Mr. BRYAN. I think the Chair is mistaken. The Secretary read the amendment of the Senator from Alabama as if it came in on page 4, after line 15. It does not come there, as I was trying to suggest to the Senator from Alabama when the amendment was being read. What the Senator from Alabama is trying to do is to offer the committee amendment as it appears in the bill down to the word "thereof," in line 4, on page 5, and then insert the new matter proposed by him. In order that the amendment may be intelligible it would have to be printed in connection with what precedes.

The VICE PRESIDENT. If there is no objection, the Secretary will state the amendment.

Mr. BRYAN. If the Secretary will read the committee amendment as it appears in the bill down to the word "thereof," on line 4, page 5, and then read the memorandum sent to the desk

by the Senator from Alabama, it will express the amendment as the Senator from Alabama desires to offer it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 4, line 15, after the numerals "\$32,000,000," it is proposed to insert the following:

Provided, That on and after July 1, 1917, drop letters shall be mailed at the rate of 1 cent per ounce or fraction thereof including delivery at letter-carrier and rural free-delivery offices: *Provided*, That the rate of postage on second-class matter when sent by the publisher thereof and from the office of publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall be 1½ cents per pound or fraction thereof during the fiscal year ending June 30, 1918, and 2 cents per pound or fraction thereof during the fiscal year ending June 30, 1919, and on and after July 1, 1919, 2 cents per pound or fraction thereof: *Provided further*, That the rates of postage on newspapers published weekly and more frequently shall be 1 cent per pound or fraction thereof when mailed for delivery within the first, second, and third parcel-post zones, and 1½ cents per pound or fraction thereof when mailed for delivery within the fourth parcel-post zone, and 2 cents per pound or fraction thereof when mailed for delivery within the fifth, sixth, seventh, and eighth parcel-post zones.

The VICE PRESIDENT. The Chair understands that the Senator from Massachusetts has made the point of order that the amendment is general legislation on an appropriation bill.

Mr. LODGE. I make the point of order.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Georgia. Mr. President, I wish to offer an amendment to come in at the end of line 15, on page 4. I wish to have it go into the RECORD.

The VICE PRESIDENT. The amendment will be stated.

Mr. SMITH of Georgia. The entire committee amendment now has gone out, and the language I offer is to be inserted in line 15, page 4, after the figures "\$32,000,000."

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 4, line 15, after the figures "\$32,000,000," it is proposed to insert a colon and the following words:

Provided, That the rate of postage on second-class matter from and after six months from the passage of this act when sent by the publisher thereof and from the office of the publication, including sample copies, or when sent from a news agency to actual subscribers thereto, or to other news agencies, shall be 1 cent per pound for the first 200 miles and one-half cent additional per pound for each additional 200 miles. The increased charge beyond 1 cent per pound shall not apply to religious and agricultural magazines and papers or to the publications of the secret or labor organizations except where the same carry more than 20 per cent of their space in advertisements: *And provided further*, That nothing contained herein shall affect the free-in-county privilege on second-class matter or the present rate of postage on newspapers when the same are deposited in a letter-carrier office for delivery by its carriers, or on second-class matter when sent by others than the publisher or news agent.

Mr. SMOOT. Mr. President, if I gathered correctly from the reading of the amendment, it provides that a one-half a cent a pound rate shall be charged.

Mr. SMITH of Georgia. For every 200 miles.

Mr. SMOOT. For every 200 miles beyond the 200-mile limit?

Mr. SMITH of Georgia. Yes.

Mr. LODGE. Mr. President, I make the point of order for the same reason.

The VICE PRESIDENT. The point of order is sustained.

Mr. KENYON. Mr. President, has the reservation of the amendment known as the Jones amendment been reached yet?

The VICE PRESIDENT. It has. We change now from postage to intoxicating liquor.

Mr. KENYON. Mr. President, I think the amendment introduced by the Senator from Missouri [Mr. REED] was not very carefully considered, and I reserved this matter last night in order that a better consideration might be given to it. The fact was called to my attention by the Senator from Kentucky [Mr. JAMES] that this amendment, to a certain extent, nullified the decision of the Supreme Court in the late case construing the law regulating the transportation of liquors in commerce. Upon reflection, I believe that it does. I called the attention of the Senator from Missouri to that matter last evening, and he agreed to an amendment which I thought at that time I would offer; but upon reflection I have decided, instead of that, because that would cover but one of the objections, to move to strike from the bill in toto the amendment of the Senator from Missouri, in order that there may be another vote upon the proposition.

Mr. President, the act with relation to the shipment of intoxicating liquors prohibited their transportation from one State into another where the liquor was to be received or possessed or used in violation of the State law. The Supreme Court has upheld that proposition. In other words, as the matter now stands the question of liquor, its sale, and its use and its possession is entirely for the States to determine. It seems to me it ought to remain there for the present. That is a good solu-

tion of it at this time, until public sentiment may advance further. If a State wants to be bone-dry, that is for the State to determine. If a State wants liquor within its borders for any particular purpose; if a State may not have reached the point, according to public sentiment, where it desires a bone-dry law and permits the shipment in of liquor for certain purposes, and at the same time strikes down the saloon—which, in my judgment, is the main object of all this temperance fight in this country—it can now do that.

Under the Reed amendment a State can not be bone-dry that desires to be bone-dry—that is the first proposition—because the exception was ingrafted by the amendment of the Senator from Mississippi, "except for sacramental, scientific, medicinal, or mechanical purposes." So, in the first place, if a State desires to be bone-dry under this amendment shipments can be made into the State for those four purposes. Congress has taken hold of that subject, and to that extent has nullified the decision of the Supreme Court.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. KENYON. I do.

Mr. VARDAMAN. I want to ask the Senator a question for information. Is there a State in the Union that has enacted laws prohibiting the use of alcohol for scientific purposes?

Mr. KENYON. I do not know. I think not.

Mr. VARDAMAN. I do not think that is what "bone-dry" means. I hardly think there is a State in the Union that would be affected by this amendment if it wanted to pass a bone-dry law.

Mr. KENYON. I am not arguing in favor of any such thing at all. I do not know whether any State has done that or not.

Mr. REED. Mr. President, may I ask the Senator if there is a State that has prohibited the use of wine for sacramental purposes?

Mr. KENYON. I think not; but I do not know.

Mr. REED. Is there a State that has prohibited the use of alcohol for mechanical purposes?

Mr. KENYON. I do not know.

Mr. REED. If there are no such States, then the amendment which I offered would not bar the use of liquors for those purposes in the State or the shipment of liquor into the State for those purposes.

Mr. KENYON. Not at this time, of course; but if the State did prohibit the use for those purposes, then the amendment of the Senator would permit the shipment into the State for purposes which the State prohibited. That is the principle involved.

Mr. REED. If some State hereafter did it.

Mr. KENYON. Yes.

Mr. REED. I doubt that construction; but we are going a long way when we propose to arrest the forward movement of the car of moral progress and reform, and do it on the ground that somebody, at some time, in some place, may prohibit the use of wine for sacramental purposes.

Mr. KENYON. Of course, I realize how earnest the Senator is in hurrying the car of moral reform forward.

Mr. VARDAMAN. Mr. President, I ask the permission of the Senator from Iowa to make just this statement: I am compelled to leave the Chamber for a few moments; and I want to express my very great desire that the amendment stand as it is. I think it is a good law.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. KENYON. I do.

Mr. WORKS. The Senator from Iowa seems to assume that an act of Congress could control the legislation of a State. I hardly think that is so. If a State sees fit at any time to enact legislation making that State bone-dry, this legislation on the part of Congress could not affect the State's right to enforce legislation of that sort. It will be time enough, then, for Congress to reenact legislation on that subject and prohibit shipment into the State in order to conform to that legislation.

Mr. KENYON. The Senator may be right, and I know that statutes will be construed in *pari materia*. But because there is some doubt about the matter, I have raised the question that it ought not to be injected into this bill. There is some doubt about the particular question whether or not Congress, by taking hold of this subject to that extent, does not take it away from the States, although I believe the Bankhead bill and the Webb bill can be harmonized.

That is the first point; I am going to discuss this only for a moment.

The second point is this: There are certain States, such as North Carolina and Virginia and possibly others, that permit certain shipments of liquor into the State for personal use. Now, this stops that. I assume that is frankly the purpose of the amendment. I voted for this amendment yesterday believing that it was a proper principle; upon further reflection I fear its adoption at this time will retard the forward movement of the prohibition cause. I believe we ought for the present to let the States determine that matter.

These two propositions that I have advanced are my reasons for moving to strike from the bill, which I now do, the amendment of the Senator from Missouri. I do not know just where it comes, mechanically, in the bill.

The SECRETARY. The amendment comes after the word "addressed" on line 16 of the printed amendment, and reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes, shall be punished as aforesaid.

Mr. SMITH of Georgia. Mr. President, I only wish to say a word against this motion to reconsider. Has the motion been formally made?

The PRESIDING OFFICER. The motion was to strike the amendment from the bill.

Mr. KENYON. Mr. President, I should like to ask the parliamentary situation. I understand that the reservation of the Jones amendment opened all questions concerning that amendment.

The PRESIDING OFFICER. The present occupant of the Chair was not here when this matter was disposed of.

Mr. SMITH of Georgia. Was the reservation made?

Mr. KENYON. It was made.

Mr. SMITH of Georgia. By whom?

Mr. KENYON. By the Senator from Iowa.

Mr. BECKHAM. Mr. President—

The PRESIDING OFFICER. The Senator from Georgia was recognized.

Mr. BECKHAM. Will the Senator yield to me for a minute?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. As I understand, there was a reservation made of all questions upon this amendment. That being true, I wish to make the point of order upon the amendment of the Senator from Missouri [Mr. REED]. The Senate suspended the rules for the purpose of considering alone the amendment of the Senator from Washington [Mr. JONES], which dealt with restrictions upon the use of the mails for liquor advertisements. Therefore the suspension of the rules permitted only the consideration of that amendment and any amendment to it that was germane to that subject. Now, the Senator from Missouri offers an amendment that is not germane or pertinent, either to the amendment of the Senator from Washington or to the bill itself. The Senate suspended the rules solely for the consideration of the mail question. The Senator from Missouri offers an amendment on a subject entirely different, that deals with interstate commerce, and I think it is subject to a point of order.

Mr. SMITH of Georgia. Mr. President, I desire to reply to the Senator from Kentucky. The only amendment that has been reserved in the Senate is the Jones amendment, as I understand.

Mr. KENYON. The Senator is wrong. It is the Jones amendment and all amendments thereto—the Bankhead amendment. The RECORD will show just what was reserved—everything connected with it.

Mr. REED. I do not understand what the Senator from Iowa means by the Bankhead amendment.

Mr. KENYON. Perhaps I should say, the amendment adopted by the committee which was introduced by the Senator from Washington [Mr. JONES] and called the Jones amendment.

Mr. BORAH. And all amendments thereto.

Mr. REED. I should like to ask, as a parliamentary inquiry, what the RECORD shows with reference to the reservation?

The PRESIDING OFFICER. The present occupant of the chair was not present at the time the Senate acted upon that matter, but is informed that the reservation was of the Jones amendment as amended in Committee of the Whole.

Mr. SMITH of Georgia. The Jones amendment as amended.

Mr. REED. Now, that brings it in this shape: The Jones amendment was before the Committee of the Whole. It was amended as in Committee of the Whole, and comes to the Senate as amended, and the only way now in which the amendment I offered can be reached is by a motion to strike it out. That motion is now made; and against a motion to strike out a part

of an amendment the Senator from Kentucky [Mr. BECKHAM] undertakes to raise the point of order that the thing which is already in, and which there is a motion to strike out, is general legislation.

Mr. SMITH of Georgia. Mr. President, I think the effect of the action of the Senate was to engraft the Reed amendment on the Jones amendment, and the waiver of the rules applies to both, and it is properly before the Senate. I am very warmly in favor of the Reed amendment. I wish intoxicating liquors kept out of the State in which I live, except for the purposes permitted by the Reed amendment.

Mr. BORAH. Mr. President—

Mr. SMITH of Georgia. I yield to the Senator from Idaho.

Mr. BORAH. The Senator speaks about the waiver of the rules. What does he have reference to?

Mr. SMITH of Georgia. We by vote suspended the rules for the Jones amendment; and the suspension of the rules for the Jones amendment would carry also a suspension, I should suppose, of any legitimate amendment to the Jones amendment. That is my impression. I do not mean to express a final opinion, but it would seem that any perfecting of the Jones amendment or any legitimate amendment to the Jones amendment would be carried also by the suspension of the rules. I do not, however, desire to discuss that. I only wish to say a word about the merits of this amendment.

I understand that our object in making a State dry is really to make it dry; and I do not believe that these bills which permit a certain quantity of liquor to come into the State were passed because their advocates wanted any to come in. The false impression prevailed that under the Webb-Kenyon bill the legislature could not entirely exclude from a State shipments of liquor, and this minimum amount was permitted to come in under the belief that it was essential to the constitutionality of their action. I did not think so. I have thought that they at the time had the right to exclude all shipments. So far as I am concerned I am in favor of prohibition in my State to keep them from drinking, and I am opposed to shipping in quart packages. I am opposed to refusing to allow it to be manufactured in the State and then letting somebody ship it in from another State.

Mr. BECKHAM. Will the Senator yield?

Mr. SMITH of Georgia. Certainly.

Mr. BECKHAM. Has not the State of Georgia or any other State where prohibition exists the right now, and especially since the decision of the Supreme Court on the Webb-Kenyon law, to exclude entirely the shipment of liquor into that State?

Mr. SMITH of Georgia. Yes.

Mr. BECKHAM. Then let me ask the Senator what is the use of this amendment?

Mr. SMITH of Georgia. I am just going to state it.

Mr. BECKHAM. Why not leave it to the State?

Mr. SMITH of Georgia. I have not any doubt when the legislature meets next summer they will amend the present act and exclude it altogether. The subject has been agitated of even calling an extra session to exclude it between now and the 1st of July. The advantage of this provision is that it not only puts the State behind the exclusion but it puts the United States Government also behind the exclusion. It makes it a violation of the criminal statutes of the United States also to ship it in, and as I am desirous to see it excluded I am glad to have both agencies at work keeping it out.

Mr. WORKS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from California?

Mr. SMITH of Georgia. I will yield the floor to the Senator unless the Senator wishes to ask me a question.

Mr. WORKS. I want to suggest to the Senator from Georgia that the chief virtue of the Reed amendment is that it reaches the man who orders the liquor as well as the railroad companies that ship it in, and I should like to see them both reached by legislation.

Mr. SMITH of Georgia. I think it is a splendid piece of legislation in the interest of temperance and I hope it will remain in the bill.

Mr. BECKHAM. Mr. President, I earnestly hope that the Chair will sustain the point of order that I made, and if not, that the motion of the Senator from Iowa [Mr. KENYON] to strike out this provision will prevail.

I voted for this proposition yesterday, as many others did, under a misapprehension, but I am convinced that it is a very serious blow to the cause of prohibition in many States—in the States where it exists to-day and in the States that are to vote upon that subject.

It may be, as the Senator from Georgia says, that his State wants to exclude absolutely the shipment of liquor into that State, and under the law as it stands to-day it can do so;

there is no restriction upon it; but it might be that in Virginia or in Indiana or in some other State they would want these limitations. It might be that in some State prohibition would not be practicable and could not be adopted unless some such limitation is permitted.

I believe that the power the States now have since the decision of the Supreme Court on the Webb-Kenyon law is sufficient and ample to deal with this question. If any State desires to absolutely prohibit the shipment of liquor into that State, it can do so now, and there is no reason for Congress to pass any such measure as is proposed by the amendment of the Senator from Missouri. It is not pertinent to the subject under discussion, and it is an entirely different and foreign subject. The Senate suspended the rule solely and specifically for the purpose of considering the restriction of the mails as to liquor advertisements. Here comes an amendment that deals with an entirely different question. I understand the Senator from Iowa made the reservation necessary to allow this point to be made in the Senate. I therefore insist upon that point of order.

Mr. REED. Mr. President, a simple statement of the facts in the Record will completely answer the point of order. I should like to make it to the Chair so that he may have it before him.

The Jones amendment dealing with the question of prohibition of newspaper advertisements for liquor being sent into dry territory came before the Senate. It was subject to the point of order that it was legislation to an appropriation bill. Thereupon a motion to suspend the rules was made and was carried. Accordingly, the Jones amendment came before the Committee of the Whole for discussion and amendment. During the course of the proceedings it was amended by inserting the language which I offered, and that language became a part of the Jones amendment without objection and without a point of order being made against it. Thereupon the Jones amendment as amended in the Committee of the Whole came before the Senate and is now pending before the Senate. The Senator from Iowa [Mr. KENYON] reserved the Jones amendment. Of course, he reserved the Jones amendment as amended, or else he would not be entitled to make any motion whatever with reference to the amendment to the Jones amendment. If he did not reserve the amendment as amended then his present motion would not lie. If he did reserve it as amended, then he can make the present motion.

But what is the motion and what is the parliamentary situation? The Committee of the Whole sent to the Senate an amendment in a certain shape and form. The Senator from Iowa desires to strike out a part of it. Now, the point of order is made, not that the Senator from Iowa could not move to strike out a part of it but that the very thing he moves to strike out is legislation, although it has already been adopted as legislation and it was rejected in the Committee of the Whole as legislation.

Mr. BORAH. A parliamentary inquiry. Would a motion to reconsider the vote by which the Reed amendment was adopted be in order at this time?

Mr. REED. Clearly not. I have not the right to answer, but I suggest to the Senator we could not reconsider that vote. We must reconsider the whole general amendment.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. If the Senator will allow the Chair—

Mr. NORRIS. Certainly.

The PRESIDING OFFICER. The Jones amendment, the Chair understands, was clearly in contravention of the rules of the Senate. On motion that rule which was violated was suspended. Then the question before the Senate was the adoption of the Jones amendment. That entire subject matter was before the Senate at the time under that suspension of the rule. It seems to the Chair that the rule was suspended as to any amendment which may have been presented and adopted thereto. For these reasons the Chair is of the opinion that the point of order made by the Senator from Kentucky [Mr. BECKHAM] is not well taken. The Senator from Iowa has moved to strike out the Reed amendment, so called, and the present occupant of the chair holds that that motion is in order.

Mr. NORRIS. Mr. President, I do not care to say anything in opposition to the ruling of the Chair, but I want to get, if I can, clearly the parliamentary situation. As I understand it, before we went into the Senate, while we were still in Committee of the Whole, the Senator from Iowa reserved for a separate vote the Jones amendment and all amendments thereto. That included the amendment of the Senator from Missouri [Mr. REED].

Now we are in the Senate. That matter is up. It is just the same. It is a new vote. There is not any such thing as a

motion to strike out. Whatever the Senator from Iowa may have said, you can not make a motion now to strike out the amendment of the Senator from Missouri, but the parliamentary situation is just the same as it was in the Committee of the Whole. The motion of the Senator from Missouri to amend the amendment of the Senator from Washington [Mr. JONES] is before the Senate. It is the pending motion, and the vote is first on the adoption of the motion of the Senator from Missouri, and while that is pending, I take it, the question of the point of order can be raised. The Senator from Kentucky [Mr. BECKHAM] raised it. When that is disposed of, either by the point of order or upon its merits, then we come, just as we did in Committee of the Whole, to vote upon the amendment proposed by the Senator from Missouri. I think the Chair beclouded the situation when he said that the Senator from Iowa had moved to strike out the amendment of the Senator from Missouri. It is true the Senator from Iowa said something of that kind.

Mr. REED. He made that motion.

Mr. NORRIS. If there is such a motion pending, I want to make a point of order against it. The only way to reach it is to take the vote over again, and that is what the Senator from Iowa reserved the right to do, to take over again the vote that we took in the Committee of the Whole.

Mr. REED. No; the Senator from Nebraska is in error about the point that the Senator from Iowa reserved—the amendment for a separate vote. He reserved the Jones amendment as amended for a separate vote.

Mr. NORRIS. If that is all he reserved, it would be out of order, in my judgment, now to move to strike out the amendment that was put in by vote of the Senate.

The PRESIDING OFFICER. The Chair has the Record before him where the Senator from Iowa made this reservation. It was—

For a separate vote upon the amendment of the Senator from Washington [Mr. JONES] and all amendments to his amendment.

Mr. NORRIS. That is as I understood the Record.

Mr. KENYON. I think possibly my motion was not in order. Then the question would be simply reserving a vote on the Reed amendment. That is all I care about, and that is the parliamentary way to reach it.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. KENYON. That is all I care to say.

Mr. LODGE. This amendment the Senate declared to be in order, and I think that made all germane amendments in order; but, of course, if it is reserved, what is reserved is the whole amendment adopted in Committee of the Whole. It is open to any Senator to move to strike out certain words from that amendment, and that I understand to be the motion of the Senator from Iowa.

Mr. NORRIS. A parliamentary inquiry, Mr. President. Even if that were true, a motion to strike out a part of it would be a motion in the third degree and out of order on that ground.

The PRESIDING OFFICER. Whether the Chair was technically correct or not, the motion of the Senator from Iowa will reach the same purpose as that of the Senator from Nebraska. It seems to the Chair this is a splitting of hairs. The present occupant of the chair will hold to the ruling just made that the motion of the Senator from Iowa is in order.

Mr. GALLINGER. That is right.

Mr. LODGE. That is perfectly right.

Mr. SMITH of Georgia. The amendment of the Senator from Washington is before the Senate with the Reed amendment attached to it?

The PRESIDING OFFICER. The Reed amendment is attached to it now. The immediate question is the motion of the Senator from Iowa to strike out the so-called Reed amendment.

Mr. JONES. Mr. President, I voted for the Reed amendment yesterday. I am not going to vote for it to-day. I hope that the friends of temperance legislation will take the same position. I am going to give the reasons for changing my vote. Upon the face of it I am in favor of the amendment as it reads; I am in favor of what it would accomplish; I am in favor of it personally; but we must look a little further than our personal views with reference to matters of this kind. As the Senator from Iowa said, prohibition or temperance legislation must keep pace with public sentiment. The temperance legislation in the State must keep pace with the public sentiment in that State, and it makes no difference what I personally think ought to be done, if the public sentiment of the State will not support it, it will be ineffective.

In my State of Washington we passed a prohibition amendment. It was not a bone-dry proposition. Under it persons could bring in liquor from the outside. Personally I was against that

permission. I did not think it ought to be granted; but the people of the State did not look at it in that way. So far as the public sentiment of the State was concerned, it was not far enough along to adopt any other proposition than that. The great and primary object the people of my State wanted to accomplish was to drive out the open saloon. The public sentiment was strongly in favor of that, and so it voted for this measure. The legislature possibly by this time has passed a bone-dry law. This comes after the existence of this partial prohibition for two years. Public sentiment in the State has gotten so strong as to be back of a proposition of that sort now, and it comes easily and it is coming to stay.

This legislation would not affect the State of Washington. That State has abolished the saloon. The liquor interest is shorn of its power. It can no longer control elections. Its interested supporters are few or none at all. Prohibition is with us to stay. But I have this in mind—this is my fear: There are States that have not yet voted upon the question of prohibition. They are getting ready to do it. What will be the effect if we pass this amendment? It will put in the hands of the opponents of prohibition a strong weapon to fight any kind of prohibition.

Mr. BORAH. Mr. President—

Mr. JONES. I yield to the Senator.

Mr. BORAH. I do not see why that is true. I do not see why that should be used as a club against prohibition. It says:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

It prohibits the shipment of liquor into a State except for the three or four purposes specified. If the State wants to vote bone-dry on this question, this does not make an exception. I do not see how this can interfere; on the other hand, it might help the situation.

Mr. JONES. Here is what I have in mind. I will take a State that is getting ready to vote on prohibition, and that is the State of Kentucky. Public sentiment in the State of Kentucky, the friends of temperance believe, will only support a proposition like we have had in Washington; that is, they will prohibit the manufacture and sale of intoxicating liquors in the State of Kentucky, but will permit the citizens of that State to import a certain amount of liquor a month. This would prevent the people of Kentucky from enacting a law of that character, in the judgment of those who are in a position to know. That is the point I have in mind, and that is what I do not want to aid the liquor interests in doing.

Mr. BORAH. I misunderstood the Senator. I thought the Senator supposed it was impeding prohibition.

Mr. JONES. In other words, I think it will prevent the State of Kentucky from adopting any kind of prohibition. That is what I am afraid of. I do not want to do that. I should like to see the State of Kentucky and every other State not only prevent the manufacture and sale of liquor within the State but its importation. However, the public sentiment of the State may not be that far along.

Mr. REED. Mr. President—

Mr. JONES. Just wait a moment until I finish. We have got to fight the battle in a practical way. The enemies of prohibition will use every means in their power to defeat the proposition. They will use every weapon, every instrument, every argument, and every suggestion that they can to influence the vote against prohibition. They will oppose every advance step until it is taken, and then they will profess to stand for that in order to defeat any other step. The liquor interests are for this provision now, not because they want that sort of a law, but in the hope that it will help them beat prohibition.

I do not believe that we ought to adopt any legislation that may play into their hands. In making that statement I do not suggest or have in mind or intimate that the Senators who are favoring this amendment have any such purpose in mind. I do not question their sincerity at all; but I am simply stating my view as to how it looks to me and how the proposition will be used in the future if we enact it now. When it was proposed it met with my approval as a statement of what I am in favor of personally; but as I have thought about it and considered the practical effect of it and the influence that it is likely to have in the progress of this campaign, not in the States where they have already acted, but in the States where they are preparing to act, I believe it is a bad proposition for the temperance cause in a practical way, and that it will do injury to the cause in States where they are hoping to take an advance step.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BORAH. I understand the State of Kentucky, in its prohibition proposition, has an exception which will permit the shipment into the State of Kentucky of a certain amount of liquor for beverage purposes.

Mr. JONES. I do not know what they have proposed yet. I did not know that they had made a distinct proposition. I understand that they are preparing for a submission of the question. The Senator from that State can advise us about that.

Mr. BECKHAM. The question will come before the next session of the general assembly, which meets next winter. It is believed that that legislature will submit an amendment to the constitution to be voted upon, under the constitution, in November, 1919.

I believe, as the Senator from Washington has suggested, that such drastic action as is proposed in this amendment would hurt the prohibition cause in Kentucky, because in practically all the States where prohibition has been adopted there have been made exceptions so that a limited amount could be used each month. It has been found necessary in order to secure the adoption of the amendment and the elimination of the saloon to allow some such exception. I have no doubt when the amendment is proposed by the Kentucky General Assembly some exception of that kind will be provided.

Mr. BORAH. This amendment would not interfere with that proposition. If the State of Kentucky submits the proposition that individuals shall be permitted to ship into the State from outside, say, a gallon a month or any limited amount per month for beverage purposes, this would not cover the subject at all, because they would bring it in for beverage purposes, and therefore it would not be within the purview of the amendment.

Mr. JONES. But this provision does not permit the importation of liquor in interstate commerce for beverage purposes. It only permits it for medicinal, scientific, mechanical, and sacramental purposes.

Mr. BORAH. It does not apply at all unless the State has passed a law prohibiting the use of liquors for beverage purposes:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. JONES. I wish to call the attention of the Senator from Idaho to the fact that that only says where the State prohibits its manufacture and sale in the State for beverage purposes. The State may pass a law prohibiting its manufacture and sale in the State, but may not prevent a citizen of the State from sending an order outside and bringing it in. I would have no objection to do that, but that is not the general understanding. That is not the understanding of the friends of the amendment or those who proposed it. They propose to say that even though a State, in accordance with its public sentiment, shall go no further than to say that liquor shall not be manufactured or sold in the State, but its citizens may from some manufactory outside of the State bring in a certain limited amount, this shall not be done, and this provision would prevent anything of that sort. That is what they contend, and that is what the provision means.

Mr. BECKHAM. It will override the State law. The State law permits a limited shipment into the State and this act of Congress would absolutely prohibit it.

Mr. BORAH. If the State permitted it to be shipped into the State for beverage purposes the Senator thinks that this would apply?

Mr. BECKHAM. I think it would, because it says even where the State forbids the manufacture or sale in the State and does not make any exceptions.

Mr. BORAH. It could not prohibit anywhere else except within the State.

Mr. BECKHAM. I understand, but when it does that, notwithstanding any exception it might make as to a limited shipment in the State, this act of Congress would forbid such a shipment.

Mr. JONES. Mr. President, I have said all I want to say. I have given my reasons for voting to-day differently from what I voted yesterday. I hope as far as I am concerned that this amendment will be defeated not because personally I am not in favor of the proposition involved, but because what I fear will be the effect upon the contests in States that are going to try to bring about an advance step in temperance legislation.

Personally, I am for it. The principle is right, but I do not believe it is a wise thing for us to do. If a State wants to take one great step in the direction of full prohibition, let us not interfere. Let us not lend aid to those who oppose the step. The Webb-Kenyon law fully protects the States in every advance they may take toward prohibition. That law and the States with liquor advertisements shut out of the mails will meet the liquor traffic pretty well until national prohibition is an accomplished fact, as it will be in the near future.

Mr. SMITH of Georgia. Does the Senator suppose it is possible that any man in Kentucky would vote to prevent the manufacture of liquor in Kentucky and yet be willing for somebody else to send it in from another State?

Mr. JONES. I simply say that the people of my State did that very thing.

Mr. SMITH of Georgia. Those who produce it in Kentucky will not drink it from anywhere else; they do not think it is as good when made anywhere else, I understand.

Mr. JONES. My people voted that way, but after that has been in force two years they are getting ready to do now exactly what the Senator from Georgia and I are in favor of. It may be the law has already been enacted. I saw that a few days ago the lower house of our State legislature passed what we call a dry-bone proposition, and I have no doubt but that it will become a law very soon, if it is not already enacted. That will be done in every State, in my judgment, where they have partial prohibition. This has been the course of the temperance movement. First, local option in a town or township unit, then the county unit, and then the State-wide unit in this qualified way, and then full prohibition. We want results. To get them we must be practical. We must work along practical lines to accomplish the ultimate results desired. The defeat of this proposition, in my judgment, is a practical way to secure what it purports to do.

I hope the Reed amendment will be rejected, and I shall vote for the motion of the Senator from Iowa to strike it out.

Mr. BORAH. Mr. President, I voted for the amendment yesterday, and I am going to vote for it again to-day. I would not want to retard the movement for prohibition in Kentucky or elsewhere, but when a State says, "I do not want to drink my own liquor, but I will take some that comes in from the outside," I think I have a right to exercise my judgment as to what is a sound and wholesome provision. As a legislator, I would not want to indorse that proposition.

This would not apply to Kentucky at all if Kentucky made an exception by which liquors could be sold within the State in small quantities, a gallon a month or something of that kind for somebody to use, because it does not apply in a State where it is in use for beverage purposes. I can not conceive of a man wanting to vote for prohibition complete and absolute in his State, and yet not be willing to vote for prohibition complete and absolute against liquor coming into the State. I think the friends of this matter perhaps have been disturbed a little by the source of the amendment. There is no reflection upon the Senator. It does not disturb me.

Mr. REED. The Senator is a better judge of human nature and character perhaps than the others.

Mr. BORAH. At any rate, it seems to me that there is expressed a proper principle in regard to the matter, and I shall vote in favor of it.

Mr. CUMMINS. Mr. President, I very much regret that I am constrained to vote against the motion made by my colleague [Mr. KENYON]. My only objection to this amendment is that it does not go far enough. I have for a long time been a proponent of the idea that we ought to forbid absolutely all transportation in intoxicating liquor from one State to another, leaving each State to manufacture and dispose of its intoxicating liquor according to the policy of that State. There would be no denial of any worthy object either in a sacramental or medicinal or mechanical or scientific way, for each State could manufacture all of the alcohol that was desirable for those purposes within its own borders.

I think the most effective thing that Congress could do would be to interdict completely all transportation in intoxicating liquor as between the States, and I was very sorry when the Senator from Missouri [Mr. REED] modified his amendment yesterday by inserting the words "medicinal, scientific, sacramental, and mechanical." To me it is inconceivable that the prohibition cause can be hurt by condemning the policy of any State that will say that "there shall be no intoxicating liquor manufactured in this State, but our people are at liberty to receive such liquor if brought in from other States."

The only reason that this question has ever arisen in any of the States is because it has been assumed that Congress had not

the power to prohibit the transportation of liquor from one State to another. That erroneous opinion has been overthrown, and it is now well recognized that we have the power to make liquor contraband, so far as its transportation from one State to another is concerned. I am in favor of doing it, and I again say that I am sorry the amendment excepted the transportation for the purposes indicated in it, namely, medicinal, sacramental, mechanical, and scientific. I am therefore impelled to vote, as I did yesterday, for the amendment of the Senator from Missouri.

Mr. SMITH of Georgia. Mr. President, I voted for the amendment yesterday, and I was very much gratified that it was adopted. I shall vote for it again to-day. I do not believe that it will injure the prohibition fight in any State. The opponents of prohibition in the State fights usually say, "What is the use of stopping the manufacture and sale in the State? They will ship it in in great quantities from other States." The State that permits a limited quantity to be shipped to its citizens is laughed at for forbidding the manufacture and sale in the State and yet permitting it to be shipped in from other States.

I think this will be a great help to the "dry" States, and I think it will help States to go "dry." The fact that when States go "dry" liquor is not to be poured in from other States in any way will be a wonderful help to the cause.

I hope the motion to strike out will not prevail.

Mr. MARTINE of New Jersey. Mr. President, I have an amendment which I should like to offer to this bill just now.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The present occupant of the chair thinks the amendment would not be in order at this particular juncture. The Senator from New Jersey will be recognized for the purpose of offering the amendment later.

Mr. MARTINE of New Jersey. Very well.

Mr. REED. Mr. President, I am sorry that the author of the Jones amendment, having made his speech, has retired from the Chamber, because what I have to say I think he ought to hear.

Let us see what the subject matter with which we are dealing is. Let us just for a moment review the situation. What is it? The Webb-Kenyon law was enacted, which conferred upon the States the right to prohibit the shipment of liquor from points outside a State into a State. All doubt as to the constitutionality of that law is now at rest by virtue of the decision of the Supreme Court of the United States in the West Virginia cases. So, as the case now stands, any State may stop the shipment of liquor into the State if it desires so to do. With the law in that shape, with the full right and power existing in any State to stop the shipment of liquor into the State, the Senator from Washington [Mr. JONES] brings here an amendment to this bill proposing to send the editor of a newspaper to the penitentiary, as he had it in the amendment, for as long as five years if he shall publish an advertisement of liquor and shall put his newspaper into the mails and send it into a dry State.

What was the purpose, my brother JONES, in asking that amendment except to invoke the aid of the Federal Government to prevent knowledge of where liquor could be purchased outside of your State, and other prohibition States, from even reaching the minds of the inhabitants of prohibition States? That was the object; that was the purpose. There could be no other object or purpose. You propose to send to the penitentiary a man who has simply told a citizen of a "dry" State where he can get liquor outside of the State; and now when I ask that you reach the shipment itself, you, who stand here clamoring for a law to send to the penitentiary a man who furnishes information as to where the liquor can be purchased, decline to pass a law that will penalize the man who conspires to bring the liquor itself into your State, and you say that I am not acting in good faith.

Mr. JONES. Oh, no.

Mr. REED. You say it by intimation.

Mr. JONES. Mr. President, I have been very careful to be as considerate as possible; much more considerate toward the Senator than he has been to friends on this side. I have not suggested or intimated that he has been acting with improper motives. I have all the time assumed, and I have tried to debate the question all the time, from the standpoint that the Senator is perfectly honest and sincere.

Mr. REED. I am glad to have that conceded. I waive that point and lift the question entirely above personalities.

You say that it will injure the cause of temperance, the advance of the prohibition movement, to stop the sending of the liquor itself into "dry" territory, and yet in the same breath you ask to send men to the penitentiary for sending information as to where the liquor can be obtained. If there is any mind contained within the skull of any human being that can recon-

cile those two positions and reduce them to a logical coordination, then I have not discovered the possessor of that remarkable intellect.

You say that extreme legislation may deter the advance of this movement. I think that extreme and outrageous legislation will deter the advance of any movement to which the legislation is attached. I said that on yesterday when it was proposed to enact a law that, as it was brought here by the distinguished Senator from Washington, would have made it possible to have sent a woman to the penitentiary for five years who mailed a newspaper to her husband if that newspaper happened to have a liquor advertisement in it, and she knew it. I appealed then for a mitigation of the penalty and a change of that phraseology, and suggested an amendment which, at least, limited the operation of the law to a newspaper publisher who might knowingly send the paper into "dry" territory, and to the dealer in liquor who might be sending it into "dry" territory for the purpose of making money.

So it does not lie in the mouths of those who advocate this extreme legislation against the dissemination of information as to where and how liquor can be purchased to criticize those, or to challenge the motives of those, who say that we ought to go to the evil itself and prohibit the shipment of the thing for the promotion of which shipment the advertisement has been printed. So much for that.

The statement has been made here that we must not run in advance of public sentiment, and that therefore prohibition legislation ought to follow a sentiment that has been created in favor of it in a particular State. Well, there is much in that argument, but it has no application here. Yet I can not refrain from calling attention to the fact that the very men who are now opposing this amendment and seeking to strike it out are the gentlemen who have been the advocates of nation-wide prohibition and who have proposed to employ the votes of the "dry" States to force prohibition upon the great populous States where prohibition has never been adopted. Consistency is a jewel that is not always found in the caskets of my friends.

It is said that this legislation will make prohibition a fact, and that because it will make it a fact it will be difficult to pass prohibitory laws in some States. This legislation simply proposes to stop the shipment of liquor into a State where the State itself has gone "dry"; and the amount of the argument is this, that unless the inhabitants of a State are permitted to irrigate the State from outside sources they will not adopt prohibition. The same argument carried to its legitimate conclusion would lead to the repeal of the Webb-Kenyon law, for the same class of advocates could well say to those who are about to adopt a prohibitory law in a State, "You should not adopt it, for the State will have the authority to stop your getting any from the outside." Therefore we ought to repeal the Webb-Kenyon law, so as to offer the inducement to gentlemen in "wet" States to help adopt prohibition by holding before them the glorious array of quarts and gallons and hogsheds that they may import for their private use. The argument made against this amendment can be made with the same force and effect against the Webb-Kenyon law and in favor of its repeal, because the basis of the complaint is that it will shut off the outside supply of liquor, and that is embraced in the Webb-Kenyon law in principle just as it is embraced in this amendment.

I have always understood the junior Senator from Kentucky [Mr. BECKHAM], and I am sorry he is not in the Chamber, to be a very ardent prohibitionist, to be one of those men who in perfect good faith have inveighed against the evil of intoxicating drink, one of those men who in perfect good faith have pictured the ruined home, the ragged children, the pale-faced wife of the drunkard, and yet he tells us that we must not adopt a law which will enable his State, when it passes a law prohibiting the manufacture and sale within its borders of these deadly intoxicants, to be protected against pollution from the outside. He tells us that this moral movement will be arrested unless the "Kentucky colonel" is assured of his supply of red liquor even while he stands and votes for the law to prohibit its manufacture within his own State. It makes mighty little difference, Senators, to the wife of the drunkard, it makes mighty little difference to the starving child of the drunkard whether the father got his bottle of whisky at an express office or at a drug store or at a saloon. It has little to do with the pangs of hunger, with the suffering and agony of the wife and children whether the liquor was imported into the State or made within the borders of the State. But this makes a difference: If prohibition be right, if it ought to be adopted, if the liquor business is an evil business, and if liquor drinking be a dangerous and deadly thing, it does make a difference whether you stop up both sources of supply or whether you only stop one.

Senators talk about being practical with a law of this kind. I will tell you what the practical side of it is, and I will challenge any prohibitionist on this floor to deny the truth of what I say. Any State can easily stop the manufacture of beer within its borders, because great breweries stand where they can be seen; any State can easily stop the manufacture of whisky within its borders, because the distillery is where it can be seen. Now, if a State can stop the manufacture within its borders and no liquor can get in from the outside, you have prohibition practically and easily enforced, but if the borders of that State are open for liquor to flow in from every other source, if it can be sent in through 10,000 channels, then what do you have? The experience of States answers the question. My friend from Kansas, Mr. THOMPSON, and I had a colloquy some days ago. They have had prohibition upon the statute books in Kansas for many years. My friend and I may disagree as to the character of the enforcement of the law they have in Kansas, but, boiled down, the sole amount of all the discussion was this, that Kansas has stopped its manufacture ever since she has had a prohibitory law, but Kansas has been deluged with liquor from the outside, and whatever there is of drunkenness in Kansas or whatever there is of the misuse of liquor in Kansas has come by virtue of the fact that the liquor was made elsewhere and sent into Kansas. My friend, the Senator from Kansas, and I disagreed about some matters the other day, but he will agree with me on this, that if no liquor was sent into Kansas from the outside, there would be an absolute condition of prohibition and sobriety within the State.

Mr. THOMPSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do.

Mr. THOMPSON. As the Senator has called attention to the little difference we had, I should like to know if he will not admit now that in our joint city of Kansas City, Mo., and Kansas City, Kans., the law-enforcing element of my State having had great difficulty in dealing with the transportation of liquor across the line had done everything in its power to prevent it. I will ask him further if I did not show him a journal entry of the court proceedings in the Supreme Court of Kansas by which that traffic was stopped by injunction? I simply want to get the record straight in this regard.

Mr. REED. I am really sorry the Senator has brought up that question, because it is a mooted one.

Mr. THOMPSON. I should like to introduce as part of my remarks the court record showing the injunction in those proceedings. This same decree was obtained against a half dozen other liquor concerns of Missouri, the names of which appear in the body of this journal entry.

I wish to say in this connection, I am in favor of the Senator's amendment because I believe it will aid materially in the enforcement of the prohibitory liquor laws in dry States.

Mr. REED. Well, Mr. President, I have no objection to the Senator introducing the court record.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

IN THE SUPREME COURT OF THE STATE OF KANSAS.

Tuesday, September 10, 1907.

The State of Kansas, ex rel., plaintiff, v. the Kansas City Breweries Co., a corporation, defendant. No. 15491.

JOURNAL ENTRY OF JUDGMENT.

Now, on this 10th day of September, 1907, this cause coming on for final hearing and adjudication the same is submitted to the court upon the pleadings and proof, the plaintiff appearing by Fred S. Jackson, attorney general of the State of Kansas, and the defendant appearing through its attorneys, Harkless, Cryslar & Histed, and thereupon, and after hearing the evidence and being fully advised in the premises, the court finds that the defendant, the Kansas City Breweries Co., is a corporation organized and existing under and by virtue of laws of the State of Missouri; that the defendant is engaged in the business of manufacturing and selling intoxicating liquors, and that the defendant has not at any time made any application to the charter board of the State of Kansas for permission to engage in business as a foreign corporation in this State, and that no permission has been granted by said charter board to the said defendant to so engage in business as a foreign corporation in this State, nor has the charter board nor the secretary thereof, at any time, issued any certificate to defendant authorizing it to do business in the State of Kansas as a foreign corporation, and neither has the defendant filed with the secretary of state of the State of Kansas any certified copy of its charter as provided by the laws of the State of Kansas; that said defendant at the time of the institution of this proceeding in violation of the laws of the State of Kansas was exercising its corporate powers and franchises therein; that at the time of the institution of this proceeding, the defendant was engaged in the unlawful sale, barter, and delivery of intoxicating liquors within the State of Kansas, and was keeping and maintaining places within said State where intoxicating liquors were sold, bartered, and given away in violation of law, and where persons were permitted to resort for the purpose of drinking intoxicating liquors as a beverage, and where in-

toxicating liquors were unlawfully kept for sale, barter, and delivery, all of which said acts so done and permitted by the defendant, were contrary to the statutes and against the peace and dignity of the State of Kansas.

And the court now further finds from the evidence that at the time of the institution of this suit all of the real estate belonging to the Kansas City Breweries Co., situated in the State of Kansas stood in the name of Ephraim M. Fuqua, who held the same as trustee for the use and benefit of the Kansas City Breweries Co., as trustee for it.

And the court further finds that heretofore, to wit, on the 4th day of September, 1907, the said Ephraim M. Fuqua made, executed, and delivered as grantor jointly with the Kansas City Breweries Co., deeds to all of the property so held by him in the State of Kansas to Ferdinand Helm, and that all of the real estate situated in the State of Kansas in which said brewing company had or now has any interest is now vested in the said Ferdinand Helm.

It is therefore now ordered, adjudged, and decreed that the defendant, the Kansas City Breweries Co., be permanently ousted, prohibited, restrained, and enjoined from the exercise of all corporate right and privileges and powers and franchises within this State, and that the officers, agents, employees, and servants of said defendant be ousted, prohibited, restrained, and enjoined from owning, holding, or using property, either real or personal, in this State, contrary to law, and that the officers, agents, employees, and servants of the said defendant be ousted, prohibited, restrained, and enjoined from engaging in or transacting on behalf of said corporation any business within the State of Kansas, and the said defendant corporation, its officers, agents, employees, and servants are hereby ordered and directed forthwith to remove all of its personal property from the State of Kansas, and that they have permission to do so, and the receivers are hereby ordered to turn over to the said defendant all personal property of every kind and description now in their hands, belonging to said company, upon the payment of the costs as hereinafter stated.

It is further ordered by the court that the conveyance of the real estate to the said Ferdinand Helm heretofore referred to in this decree be, and the same is hereby, approved and confirmed. And it is further ordered that the said Ferdinand Helm, his assigns, and all persons holding under him, be, and they are hereby, permanently enjoined from using any of said real estate or permitting the same or any part thereof to be used in the unlawful sale, barter, or delivery of intoxicating liquors within the State of Kansas.

And it is now further ordered that said receivers turn over to the possession of the said Ferdinand Helm upon the payment of costs herein all of the real estate now in their possession as well as the personal property heretofore mentioned.

It is further now ordered and adjudged by the court that the receivers heretofore appointed in this cause, to wit: S. H. Allen, T. F. Garver, and G. H. Whitcomb, be, and they are hereby, allowed the aggregate and total sum in full of their compensation for their services as receivers of this court in this cause, the sum of \$10,000, which said sum shall be not only in full of their fees as receivers in this cause, but also shall include all claim for compensation in causes:

- No. 15485, State of Kansas ex rel. v. Helm Real Estate Co.
- No. 15486, State of Kansas ex rel. v. Ferd Helm Brewing Co.
- No. 15489, State of Kansas ex rel. v. Rochester Brewing Co.
- No. 15490, State of Kansas ex rel. v. Helm Brewing Co.
- No. 15492, State of Kansas ex rel. v. Imperial Brewing Co.
- No. 15611, State of Kansas ex rel. v. Fremont Land & Imp. Co.

And it now appearing to the court that the receivers and the defendant have accounted between themselves and settled all matters, one with the other, in reference to rents collected and money expended in and about their receivership, and care and management of the property, it is now ordered that no further accounting shall be required on behalf of the receivers.

And now on this day, in open court, personally appears each and all of the receivers and in open court acknowledge the full payment to them of said sum of \$10,000 in full of their receivership services.

It is further now ordered by the court that any and all orders heretofore made in this cause authorizing the receivers to issue receivers' certificates, and negotiate the same, be, and the same is hereby, ordered set aside, annulled, and for naught held and esteemed; and it is further ordered that if any such receivers' certificates have been issued, that the same are here now canceled and annulled and the receivers are ordered to surrender all such certificates to the clerk of this court, and that the clerk upon the surrender thereof shall cancel the same and note the cancellation thereof upon his docket.

It is further now ordered that the costs of this proceeding, taxed at \$130.28, be, and the same are hereby, adjudged against said defendant, and it is now further ordered that the receivers heretofore appointed be, and they are now fully discharged and acquitted, except they are continued for the purpose of enforcing this decree as to the removal of personal property.

IN THE SUPREME COURT OF THE STATE OF KANSAS.

STATE OF KANSAS,
Supreme Court, ss:

I, D. A. Valentine, clerk of the Supreme Court of the State of Kansas, do hereby certify that the above and foregoing is a full, true, and correct copy of the journal entry of judgment in the above entitled cause, as the same remains of record at page 432 of journal "KK" of said court.

Witness my hand and the seal of the supreme court hereto affixed at my office in the city of Topeka, on the 30th day of December, A. D. 1916.
[SEAL.] D. A. VALENTINE,

Clerk Supreme Court.

Mr. REED. Well, Mr. President, I have no objection to the Senator introducing the court record; that is all right. The existence of that court record demonstrates that the traffic has existed. The court record has been written enjoining certain men from sending liquor into Kansas. Likewise—and I thought I had it here—the record of the Leavenworth court, a county that probably has a population of 30,000 or 35,000, shows that there were over 300 liquor cases upon the docket at the present term of court. That is not said to throw any reflection on Kansas. I am saying that Kansas would not have any liquor cases and would not have any need for injunctions if this provision becomes a law; and I say, furthermore, that the records

of shipments of liquor into prohibition States show the astounding fact that in many of the States that have passed prohibitory laws the consumption per capita is very great.

Now, I can not bring myself to the opinion that men who really are in love with the cause of temperance and prohibition are willing to sit in the Senate and kill off the only measure that is now before them that will protect "dry" territory. I can not bring myself to the opinion that they are only half prohibitionists; that they are geographical moralists; that anything done across the red line of a map is all right, but if it is done on the other side of the red line it is all wrong. I can not believe that these good and earnest gentlemen, when they come to consider this question and to reflect upon it, will conclude that a bottle of whisky made in Missouri, 2 miles south of the Iowa-Missouri line, will do any less damage in the State of Iowa than if it had been made 2 miles north of that line. I can not believe that these gentlemen propose "to compromise with evil, to make a league with hell, and a covenant with death." Neither can I believe that these gentlemen, whose moral vision is very broad and luminous, are willing to promote the manufacture of liquor in other States by continuing to afford the manufacturer in other States a market within their own sacred States. I do not believe that this movement is dependent for its success upon the ability of gentlemen to convince a large number of the inhabitants of a State that it is all right to pass the law when it will only reach the other fellow, while they can get all the grog they want through interstate commerce; that their own habits can still be fed out of the same bottle that they always drank from, albeit the bottle may have to be shipped across a State line. That, sirs, is the most pitiable begging of a question I have ever heard.

I call attention to this fact, and I say again, experience demonstrates it. It was demonstrated in the State of Iowa. They passed a prohibitory law in that State many years ago, and immediately the State became filled with "blind tigers," with crooked dens of iniquity. I lived there. I know whereof I speak. In one city where I lived Government licenses prior to the enactment of prohibitory law had not exceeded 50 or 60. Within 30 days after the law was enacted they had run up to 300. No man takes out a Government license unless he intends to sell liquor. The result was trial after trial, many convictions, and many acquittals. For many years the law remained upon the books; the State was filled with blind tigers, not one of which could have existed if this law had been then enacted, not one of which could have cursed that State by its existence had this law been upon the Federal statute books. So that finally they passed a mulct law and went back to the open saloon, preferring the open saloon to the blind tiger; and then, afterwards, again they went back to the prohibitory law. A much better condition, I think, now exists. Still, prohibition is not prohibition in the State of Iowa, because the State is flooded with liquor from the outside.

So it will be in the State of Nebraska when the present law passed by that legislature becomes effective. I believe it is not yet effective, but when it goes into operation the State of Nebraska will have no difficulty in stopping the breweries of Nebraska. If Nebraska has distilleries, you will have no difficulty in suppressing them—not a bit—but the thing you will be met with in the city of Omaha and in the city of Lincoln and in all the other important cities of your beautiful and progressive State will be the constant supply of liquor from the outside. It will not be sold in the open saloon, but it will be sold through drug stores; it will be sold by bootleggers; it will be vended in blind tigers; it will be distributed through clubs, or alleged clubs, where young boys get together behind locked doors, with an unlimited supply of liquor, and drink until they fall over insensible—a worse condition than the open saloon. I propose that you shall be protected against that, and I propose to go further in this law—and it is the first law of the kind that I know of, although others of similar character may have been passed. I propose to say to the man within a prohibition State who seeks to set aside and nullify the laws of that State by sending outside for liquor, "You shall yourself be amenable to the law."

We have now the situation of Senators who have been earnest advocates of prohibition legislation, who have been earnest advocates of a constitutional amendment that will embrace the entire country, standing here and pleading the cause of whisky in interstate commerce, of beer in interstate commerce, or any other kind of liquor in interstate commerce, begging that the railroads shall still be loaded with the stuff, imploring the Senate in the name of temperance and sobriety to continue to flood the dry territory with these evil products.

Let us have at least a record vote. Let us know who are in earnest and who are not in earnest.

Mr. KENYON. I ask for the yeas and nays on this question. The yeas and nays were ordered.

Mr. CULBERSON. Mr. President, let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The junior Senator from Iowa [Mr. KENYON] proposes to strike out the amendment heretofore agreed to on line 16, page 2, of the amendment agreed to on yesterday, which reads as follows:

Whoever shall order, purchase, or cause intoxicating liquors to be transported in interstate commerce, except for scientific, sacramental, medicinal, and mechanical purposes, into any State or Territory the laws of which State or Territory prohibit the manufacture or sale therein of intoxicating liquors for beverage purposes shall be punished as aforesaid.

Mr. REED. On that I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ASHURST voted "yea."

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. The roll call must proceed.

The Secretary resumed the calling of the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS], but I am advised that he would vote as I shall vote. I therefore vote "yea."

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK]. In his absence I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote on this question, I withhold my vote for the present. If at liberty to vote, I should vote "yea."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. In his absence I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STONE. I transfer my pair with that Senator to the junior Senator from California [Mr. PHELAN] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I am compelled to withhold my vote. If at liberty to vote, I should vote "yea."

I also desire to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business and is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. OVERMAN (after having voted in the affirmative). I announce my pair with the junior Senator from Wyoming [Mr. WARREN], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and will let my vote stand.

Mr. GALLINGER. Has the senior Senator from New York [Mr. O'GORMAN] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. GALLINGER. I am paired with that Senator. Not knowing how he would vote on this question, I withhold my vote.

Mr. STERLING (after having voted in the affirmative). I will ask whether the junior Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. STERLING. Then I withdraw my vote, as I have a pair with that Senator.

The result was announced—yeas 28, nays 38, as follows:

YEAS—28.

Ashurst	Hollis	Overman	Simmons
Bankhead	James	Owen	Stone
Beckham	Jones	Page	Swanson
Clapp	Kenyon	Penrose	Thomas
Culbertson	Lane	Pomerene	Tillman
Fall	Martin, Va.	Shafroth	Townsend
Fernald	Norris	Shields	Works

NAYS—38.

Borah	Hughes	McLean	Smith, Mich.
Brandagee	Husting	Martine, N. J.	Smoot
Broussard	Johnson, S. Dak.	Nelson	Sutherland
Bryan	Kirby	Pittman	Thompson
Cañon	La Follette	Poindexter	Wadsworth
Chilton	Lea, Tenn.	Ransdell	Walsh
Cummins	Lee, Md.	Reed	Watson
du Pont	Lippitt	Sheppard	Williams
Fletcher	Lodge	Sherman	
Hitchcock	McCumber	Smith, Ga.	

NOT VOTING—30.

Brady	Gore	Newlands	Smith, S. C.
Chamberlain	Gronna	O'Gorman	Sterling
Clark	Harding	Oliver	Underwood
Colt	Hardwick	Phelan	Vardaman
Curtis	Johnson, Me.	Robinson	Warren
Dillingham	Kern	Saulsbury	Weeks
Gallinger	Lewis	Smith, Ariz.	
Goff	Myers	Smith, Md.	

So Mr. KENYON's motion was rejected.

Mr. KENYON. Mr. President, at the close of what is known as the Reed amendment I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. After the words "punished as aforesaid," the Senator from Iowa proposes to insert:

Provided, That nothing herein shall authorize the shipment of liquor into any State contrary to the laws of such State.

Mr. REED. I accept it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. MARTINE of New Jersey. I desire to offer an amendment, namely, to insert in line 3, after the word "fermented," the words "or those articles commonly known as Coca Cola and Peruna."

The PRESIDING OFFICER. The Senator from New Jersey offers an amendment to the amendment agreed to as in Committee of the Whole, which will be stated.

The SECRETARY. After the word "fermented," on line 3 of the so-called Jones amendment, it is proposed to insert:

Or those articles commonly known as Coca Cola and Peruna.

Mr. MARTINE of New Jersey. Mr. President, if we are going to have prohibition in these Territories, let us make it a thorough and complete renovation.

Mr. HUGHES. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to his colleague?

Mr. MARTINE of New Jersey. I do.

Mr. HUGHES. Is not Peruna already included in the terms of the bill, under the title of "alcoholic liquor"?

Mr. MARTINE of New Jersey. I do not know; I think not, but it is clearly alcoholic liquor. Recently I have first conversed with and then written to no less a gentleman than the distinguished Dr. Wiley, of the Health Bureau, as to the desirability of Peruna as a beverage and a drink. He tells me that it is the most noxious of drugs and loaded with the poorest of whisky. I asked him regarding Coca Cola, and he tells me that Coca Cola is a drug infinitely dangerous, and one that should be barred generally from our drug shops as a beverage.

This thought has been presented to me—that there was a powerful interest and lobby here pressing this prohibition measure. I said to the gentleman making the statement: "From whom? From the liquor men?" "No; but," he said, "it is from the Peruna and the Coca Cola interests, in order to shut people off from other beverages and hence make them resort to their drinks."

I have here, from Georgia, the Macon Telegraph. Most of you do not know that splendid wealth has been acquired through the manufacture of the decoction known as Coca Cola, and the owner lives in a princely home in Atlanta. This article says that there is a lobby there, and that \$50,000 has been put up for the purpose of maintaining the Coca Cola interests. No less a gentleman than Judge Stark is quoted here. I inquired from some of my Georgia friends as to the standing of Judge Stark, and I am told that he is a man of great respectability and judgment and honesty. He says:

A half dozen reputable physicians have stated that there are over 300 girls in Atlanta that are Coca Cola fiends and nervous wrecks. Yet these fanatical hypocrites, like the editor of the Commonwealth, could have this number increased in Georgia—and that among our women and children. * * * Coca Cola and such drinks not only make physical wrecks out of our men, but destroy the physical welfare of our women and children and make nervous wrecks of them. There are over 2,700 known Coca Cola and "dope" fiends in this State, and if all could be numbered it would amount to over 5,000.

Mark you, this is in Georgia, the model of prohibition:

Judge Stark declared that when a similar bill to tax soft drinks was before the legislature in 1913 he had taken the ground that Coca Cola, Chero-Cola, Bludwine, and similar drinks were doing the women and children of Georgia more harm than heavy drinks were doing the men. "That proposition was true then as it is now." But on account of a tremendous lobby backing of the Coca Cola and similar drink influences that bill received the same treatment that the recent prohibition bills had accorded them by the rules committee—an eternal cold-storage sleep in the arms of the committee."

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. MARTINE of New Jersey. I do.

Mr. GALLINGER. I understood the Senator to say that he had consulted Dr. Wiley. Did Dr. Wiley state to the Senator what proportion of alcohol was in Coca Cola?

Mr. MARTINE of New Jersey. Dr. Wiley did not.

Mr. GALLINGER. I will say to the Senator that I have reason to believe that in Peru there is more alcohol than in gin, and it is undoubtedly an intoxicating beverage, if it can be so called; but the Senator did not state what Dr. Wiley said about Coca Cola.

Mr. MARTINE of New Jersey. I think the Senator failed to catch my remark. I said that Dr. Wiley had said, regarding Coca Cola, that it was a most noxious and dangerous drug.

Mr. GALLINGER. Yes. It doubtless has some form of opiate in it, I think.

Mr. MARTINE of New Jersey. Possibly.

Mr. GALLINGER. But it is not alcoholic.

Mr. MARTINE of New Jersey. But I suppose men might chew opium and do all the other evils connected with opium, smoking and everything else, but it would not be compared to the hideous evil of a little alcohol.

Mr. NELSON. Will the Senator from New Jersey yield to me?

Mr. MARTINE of New Jersey. Certainly.

Mr. NELSON. It appears from a decision of the Supreme Court last summer that Coca Cola is mainly composed of sugar and water with a little bit of flavoring of coca and cola leaves, but pretty much nothing else except sugar and water. Anyone who is curious on the subject can read the decision of the Supreme Court and ascertain the percentage of sugar and the percentage of water and the quantity of coca and cola leaves, unless they have added liquor to it. It does not appear from the evidence taken in that case that there was any liquor in it at all.

Mr. MARTINE of New Jersey. I can not say that there was liquor in it; I said noxious drugs. I understand that the human appetite can not be entirely made over and regulated and controlled, and so my friends find Coca Cola and a thousand other decoctions in order to satisfy their tastes.

I came across this clipping that might appeal to the Senator from Washington and the Senator from Mississippi. I cut this out of the New York World:

A temperance cocktail.

Listen:

TEMPERANCE COCKTAIL MEETS WITH BRUTUS.

The expert drink mixer of the antialcoholic committee of the health department got busy yesterday in an effort to produce a strictly temperance cocktail for New Year's. This is the result:

Take notice, Senator from Washington.

Take a lump of sugar and place in the bottom of a glass. Add two drops of bitters and a dash of grapefruit juice. Pour in three fingers of grape juice—

I do not know what particular brand of grape juice.

Pour in three fingers of grape juice and the juice of half an orange. Serve in a whisky glass half full of cracked ice.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. MARTINE of New Jersey. Just let me finish.

The PRESIDING OFFICER. The Senator from New Jersey declines to yield.

Mr. MARTINE of New Jersey. I would not have the Senator lose the merits of this superb prescription for temperance men. Just let me finish this:

The new receipt was given to Dr. Charles F. Bolduan, director of the bureau of public-health education for publication, but he decided it was unfair to inflict the mixture on the public until he had given it a trial, which he proceeded to do. The result was that he added the following to the directions:

"Mix carefully and pour in the sink."

That was his suggestion, and I commend it to the Senator.

Now I want to say a word on this point. I have listened to these distinguished gentlemen's talk of the blessings and benefits of prohibition. I believe the State of the Senator from Washington, who offered this amendment, is a prohibition State. I find in the annual report of the Commissioner of In-

ternal Revenue that the State of Washington rectified 174,023 gallons of spirits in 1916. I find further, running over it, the result in these great Southern States wherein prohibition has been tried to a test—the result is they tell us that these States are dry. I regret to say to my friend from Alabama that Alabama heads the list. The work done by the internal revenue bureau up there last year shows that they seized 603 illicit stills. Alabama is not alone. Arkansas had only 4. Then you come down to Florida, and Florida had 135. And Georgia! Where is my friend from Georgia? Georgia, 667 illicit stills. But oh, now, my friend from North Carolina, do not laugh too gleefully. Let me tell you your tale of wrong. Is your State free from misery, woe, pauperism, drunkenness, beggary, and all the horrors that are known to man? North Carolina—and oh, I love the State and I love the Senator; I have been within the borders of your State and buried some of my kin. In North Carolina they found 883 illicit stills in prohibition, temperance North Carolina.

What have you to say to that? I find illicit stills distributed in Ohio—four thousand some odd—and I find in West Virginia 16 illicit stills were discovered. I believe you are honest, but you do not know your own situation in your own home. You have got to come here to find it out.

I heard my friend from Kansas [Mr. THOMPSON] telling something about Kansas. I have a letter here with reference to Kansas. I find this in the Wichita (Kans.) Beacon:

There are considerably fewer than 100 Federal liquor licenses in Kansas. Thirty of them are held in Wichita. The Wichita Beacon has printed the names and addresses of the holders, with the remark that those licenses were not purchased to be framed and hung on the wall. The mayor of Wichita, who has sole charge of the police, has so far failed to show interest. The Beacon wants to know why. Joints are running wild in that city. Names and addresses have been furnished to the police repeatedly. Evidently the mayor of Wichita finds no discomfort in being in a hole.

It says these gentlemen have licenses. They are not purchased simply for ornamental looks on the wall, but they are there to permit them to do business, and they do business.

Then I have this written to me by a gentleman, a very delightful man. He says:

I had a slip from a Kansas City paper showing number of arrests for drunkenness—

Great God! can that be?—

for drunkenness in Topeka—

God spare the mark!—

for the year ending June 30, 1916. As I remember it, there were 1,783. Ask Senator THOMPSON to furnish you a copy of police-court records for five years past.

Now, my friends, I hate to bring these things up to you. It is very uncomfortable to you, but, great God! do not think you can arrogate to yourselves all the wisdom and all the propriety in regulating the life of mankind. You are endeavoring in your own way to stretch out sumptuary legislation to regulate the habits and control the place and conditions of society that surround us. These things in a way are a necessity, and you are doing not God's service, but you are doing the service of the other side.

Mr. President, I feel that you gentlemen are fanatical. This country has been a splendid country since time began. Let me tell you what Tom Jefferson said about it:

Our legislators are not sufficiently apprised of the rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and take none of them from us.

Abraham Lincoln said:

Prohibition will work great injury to the cause of temperance. It is a species of intemperance within itself, for it goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation, and in making crimes out of things that are not crimes. A prohibition law strikes a blow at the very principles on which our Government was founded.

Horatio Seymour; Samuel J. Tilden; John Quincy Adams; Thomas Francis Bayard; Roger Q. Mills; Senator Richard Coke, of Texas; Sam Houston; Senator John Sherman; Jefferson Davis; Thaddeus Stevens; Dr. Reid, the editor of the Lancet; Lord Salisbury; Dr. Lyman Abbott; Rev. Samuel R. Wilson; and so on. There are a great number of names here. Here is what the Christian Union Observer says, and I do not know whether that will have any effect on the propaganda or not, for everything is utterly un-Christian to them that looks as if it contained in any way alcohol:

It has been once tried in Massachusetts, and ignominiously failed. It is, according to all accounts, a failure in Rhode Island. In Ohio a similar provision in the constitution prohibiting license gave over the State for years to free liquor, and made Cincinnati a by-word and a reproach.

So the story goes. I might read more from the Kansas City Times, the Chicago Republican, the Rochester Herald. Why, my friends, you have run mad, bereft of reason, certainly of judgment, of fairness, and, I believe, of common sense. I trust

this whole provision may be utterly wiped out and the Senate of the United States may not further belittle and disgrace itself with this sumptuary nonsense.

Mr. JONES. Mr. President, I am very much interested in not having an extra session of Congress. I am going to do everything I can to prevent it. I have thus far resisted the temptation that has been very strong to discuss the various suggestions of our friends on the other side. I am going to continue to resist it. We are not trying to remedy all the advertising evils by this amendment; there is one particular one that we are after; and I hope that this amendment to the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in.

Mr. POINDEXTER. On page 18, line 14, after the word "clerk," I move to insert "clerks and letter carriers at first-class post offices."

I hope the committee will not oppose this amendment. It simply makes the amendment which the committee adopted as to substitute railway postal clerks applicable to postal clerks in first-class post offices. It does not change the language of the amendment in any other respect.

In this connection I should like to state that the only effect of it would be to induce the postmasters at first-class post offices to limit the number of appointments of substitute clerks and substitute letter carriers, so that there would not be any more of them than would be needed to be appointed as clerks and carriers at the minimum salary of \$800 a year after the substitute had performed a service equivalent to 313 days. It is intended to remedy a situation which has been described in the debate upon this bill and has been fully described in hearings before the Committee on Post Offices of the House of Representatives growing out of the unnecessarily large number of substitute clerks and carriers who are required in many of the offices to report every day. There is no work for all of them. Many of them get only enough work to make some \$300 or \$400 a year; they have families to support, and the consequence is that they are in want and suffering. There is no reason why such an unnecessarily large number of substitutes should be appointed, and if the postmasters are required to appoint them to the position of clerks and carriers at \$800 a year after they have been employed for a period of time equivalent to 313 days, then it will limit the number of appointments of substitutes, and the remaining number of substitutes will get a reasonable amount of work and earn sufficient money at least to live in a decent manner.

Mr. BRYAN. Mr. President, I am sorry the Senator from Washington has offered this amendment. The substitute clerks in the Railway Postal Service were provided for in the bill after an investigation and after the claim was made that they ought to be granted and after the Post Office Department was heard and presented its side. There was a real evil corrected there. A young man might enter as a substitute railway postal clerk at a very small compensation, and in some instances they might be kept in that position looking hopefully to be advanced to be a postal clerk, and somebody else would be transferred into his jurisdiction, and his hopes would be deferred still longer and never realized. The committee considered that and acted upon it.

This matter was never presented to the committee. The Post Office Department has never had an opportunity to be heard upon it. As I understand the Senator's proposition, it is that after a man has been a letter carrier for a year he shall then be made a clerk in a post office. He might be qualified to do the work assigned to a letter carrier—he may have been for several years a letter carrier—but not qualified to be a clerk in the post office.

Mr. POINDEXTER. If the Senator will allow me to interrupt him, he is mistaken as to the proposition. It is that he shall be made a carrier or a clerk. Of course, if he is a substitute carrier he would be made a carrier, and if a substitute clerk he would be made a clerk. That would be in the power of the postmaster to regulate.

Mr. BRYAN. I do not think that sort of legislation should be put on the bill without an opportunity to know what we are doing. Of course, it is not in order unless we reconsider the amendment that has already been adopted. I hope the Senate will not agree to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington.

Mr. POINDEXTER. In addition to what I have already stated, I ask leave to withdraw the amendment which I have offered and as a substitute for it, on page 11, line 8, after the word "pay," to insert:

Provided, That hereafter substitute clerks and substitute letter carriers at first-class post offices who have performed service equivalent to 313 days shall be appointed to the regular clerical or carrier force at the entrance-grade salary, \$800.

Mr. BRYAN. I dislike to raise the point of order on the amendment. I asked the Senator from Washington to withdraw it, and he would not do it. I am not going to subject the conference to the delay of considering these matters. If there is any merit in them, they ought to have been submitted to the committee. It is too late now to come in and propose to send these amendments to conference. Of course, they come from people interested, and they hand them in here at the end of the consideration of the bill. It is not fair to the committee and it is not fair to the department. I raise the point of order that it is general legislation.

The PRESIDING OFFICER. Does the Senator from Washington wish to be heard on the point of order?

Mr. POINDEXTER. I submit the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order. The bill is still in the Senate and open to amendment. If there be no further amendment, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BRYAN. I move that the Senate request a conference with the House on the bill and amendments, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. BANKHEAD, Mr. SMITH of South Carolina, and Mr. TOWNSEND conferees on the part of the Senate.

OFFENSES AGAINST THE GOVERNMENT.

Mr. OVERMAN. I ask that the Senate proceed with the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate bill 8148.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8148) to define and punish espionage.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kenyon	Oliver	Smith, Mich.
Beckham	Kirby	Overman	Smith, S. C.
Brandege	La Follette	Page	Smoot
Bryan	Lea, Tenn.	Penrose	Sterling
Catron	Lee, Md.	Pittman	Sutherland
Chamberlain	Lippitt	Poinexter	Swanson
Chilton	Lodge	Pomerene	Thomas
Clapp	McCumber	Ransdell	Thompson
Cummins	McLean	Reed	Townsend
du Pont	Martin, Va.	Robinson	Walsh
Fall	Martine, N. J.	Shafroth	Warren
Fernald	Myers	Sheppard	Watson
Gallinger	Nelson	Sherman	Weeks
Hitchcock	Norris	Shields	
James	O'Gorman	Smith, Ga.	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed the bill (S. 7872) to confirm and ratify the sale of the Federal building site at Honolulu, Territory of Hawaii, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House recedes from its disagreement to the amendment of the Senate No. 48 to the bill (H. R. 18453) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1918, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate No. 111, and agrees to the same with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the remainder of the amendments of the Senate to the bill; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon; and had ap-

pointed Mr. STEPHENS of Texas, Mr. CARTER of Oklahoma, and Mr. NORTON managers at the further conference on the part of the House.

CONSTRUCTION OF BATTLESHIPS (S. DOC. NO. 712).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the largest battleship which can be undertaken in the United States in the present state of the shipbuilding and engineering sciences and arts, which was referred to the Committee on Naval Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting supplemental schedules of papers and documents, and so forth, on the files of the Treasury Department which are not needed or useful in the transaction of the public business and have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from New Jersey [Mr. MARTINE] and the Senator from Washington [Mr. JONES] as the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I have a telegram from the Holstein-Friesian Association of America, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

BRATTLEBORO, VT., February 15, 1917.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

The Holstein-Friesian Association of America, representing 100,000 owners and breeders of dairy cattle, protests against the passage of the amendment proposed by Senator UNDERWOOD raising the tax on oleo and removing all other restrictions, as it would work an irreparable injury to the dairy industry, and we deem the same as in the interests of the packers and cotton growers.

F. L. HOUGHTON, Secretary.

Mr. TOWNSEND presented a resolution adopted by the Chamber of Commerce of Battle Creek, Mich., favoring the construction and maintenance of Federal highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Common Council of Marshall, Mich., praying that an appropriation be made for the construction of a Federal building at that place, which was referred to the Committee on Public Buildings and Grounds.

Mr. PHELAN presented a petition of the board of directors of the Arrowhead Trails Association, of California, praying for the enactment of legislation for the construction and maintenance of Federal highways, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Navelencia, Cal., praying for the development and improvement of the national parks of the country, which was referred to the Committee on the Public Lands.

Mr. NELSON presented a resolution adopted at a meeting of the Brotherhood of Postal Clerks of Minneapolis, Minn., and a resolution adopted by the Order of Elks, of Mankato, Minn., favoring the action of the President in breaking off diplomatic relations with Germany and pledging their support, which were referred to the Committee on Foreign Relations.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Portland, Oreg., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the joint memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 16 with the original thereof, as enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 9th day of February, A. D. 1917.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 16.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Oregon, in legislative session assembled, respectfully represent that—

Whereas the people of the Pacific Coast States urgently request the building and maintaining of a military highway along the Pacific coast from the Canadian border to the Mexican border for military necessities and defense, such as supplying coast forts with guns and ammunition, the handling of artillery, ammunition, and mobilizing troops in the event of an invasion, and all other incidents appertaining thereto.

Wherefore your memorialists, the Senate and House of Representatives of the State of Oregon, earnestly petition and urge your honorable bodies that provision be made for the building and maintaining of such military roads.

The secretary of state is hereby directed to transmit a copy of this memorial to the presiding officer of the United States Senate, the Speaker of the House of Representatives, and to each of the Senators and Representatives in Congress from the State of Oregon.

And your memorialists will ever pray.

Concurred in by the house February 7, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate February 1, 1917.

GUS C. MOSER,
President of the Senate.

(Indorsed:) Senate joint memorial No. 16, by Senator I. S. Smith, J. W. Cochran, chief clerk. Filed February 8, 1917, at 11:35 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Koser, deputy.

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof, enacted by the Twenty-ninth Legislative Assembly of the State of Oregon and filed in the office of the secretary of state, and that the same is a full, true, and correct transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 10th day of February, A. D. 1917.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

House joint memorial 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the House of Representatives of the State of Oregon, the Senate concurring, respectfully represent that—

Whereas there is now pending in the Congress of the United States a bill entitled "A bill to promote the reclamation of arid and swamp lands of the United States, and for other purposes" (Senate bill 7487), having for its purpose the reclamation of arid and swamp lands of the United States by cooperation between the Federal Government and irrigation and drainage districts of the States containing such lands; and

Whereas the passage of said bill by Congress would greatly inure to the benefit and advantage of the State of Oregon by providing a comprehensive and feasible method of reclamation for the large bodies of such lands within the State: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate concurring), That the Legislative Assembly of the State of Oregon favor the enactment by Congress of Senate bill 7487, and to that end the Senators and Representatives in Congress of the United States from the State of Oregon are hereby urged to use their influence in behalf of the passage of said bill; and be it further

Resolved, That the secretary of state of the State of Oregon be directed to transmit by mail a copy of this memorial to the President of the United States Senate and the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from the State of Oregon in Congress.

Adopted by the house January 23, 1917.

R. N. STANFIELD,
Speaker of the House.

Adopted by the senate February 8, 1917.

GUS C. MOSER,
President of the Senate.

(Indorsed:) House joint memorial No. 3, by Mr. Laugaard, W. F. Drager, chief clerk. Filed February 9, 1917, at 10:30 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Koser, deputy.

REPORTS OF COMMITTEES.

Mr. POMERENE, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 17350) to promote export trade, and for other purposes, reported it with amendments and submitted a report (No. 1056) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 20082) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, reported it with amendments and submitted a report (No. 1057) thereon.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (S. 7998) for the conservation of alcohol in the manufacture of dealcoholized fermented beverages, reported it without amendment and submitted a report (No. 1058) thereon.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 7927) providing for the refund of duties collected on five traveling kitchens presented by citizens of Massachusetts to the Eighth Regiment Massachusetts Volunteer Militia and the First Regiment Field Artillery, Massachusetts Volunteer Militia, reported it with amendments and submitted a report (No. 1060) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 1567) granting an honorable discharge to Curtis V. Milliman, submitted an adverse report (No. 1062) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. HOLLIS, from the Committee on the District of Columbia, to which was referred the bill (S. 7404) for the retirement of public-school teachers in the District of Columbia, reported it with amendments and submitted a report (No. 1064) thereon.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 8259) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914; August 15, 1914; March 3, 1915; and September 7, 1916, reported it without amendment and submitted a report (No. 1059) thereon.

STUART, LEWIS, GORDON & RUTHERFORD.

Mr. OWEN. On February 13 the bill (H. R. 10872) making an appropriation to Stuart, Lewis, Gordon & Rutherford, in payment of legal services rendered by them to the Creek Nation, was received from the House of Representatives and it was referred to the Committee on Claims. The bill relates to a fee alleged to be due by an Indian tribe—the Creek Tribe of Indians—and I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs, where it properly belongs.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection?

Mr. SMOOT. I will ask the Senator if the bill is now on the calendar?

Mr. OWEN. No; it was referred to the Committee on Claims. It should have gone to the Committee on Indian Affairs, as it relates to an Indian question.

Mr. BRYAN. Mr. President, is the money to be paid out of Indian funds?

Mr. OWEN. Out of Indian funds; yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and that order will be made.

MEREDITH G. CORLETT.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn., and I submit a report (No. 1063) thereon. It will take only a moment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to pay to Meredith G. Corlett, of Williamson County, Tenn., the sum of \$62.80, for and on account of excess payment made by him to the collector of internal revenue of the United States for the fifth district of Tennessee, as surety on the internal-revenue bond of J. W. Corlett.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 8265) granting an increase of pension to Lewis T. Holstin (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 8266) to amend section 4414 of the Revised Statutes of the United States relating to the appointment of local and assistant inspectors of steam vessels; to the Committee on Commerce.

By Mr. PENROSE:

A bill (S. 8267) granting the sum of \$549.12 to Clara Kane, dependent foster parent, by reason of the death of William A. Yenser, late civil employee, killed as result of an accident at Philadelphia Navy Yard; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 8268) to amend an act of Congress of February 17, 1911, entitled "An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad"; to the Committee on Foreign Relations.

By Mr. O'GORMAN:

A bill (S. 8269) granting an increase of pension to Chauncey A. Cronk; to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 214) waiving age limit in case of Blair Wilson for admission to the United States Army as a second lieutenant; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CATRON submitted an amendment authorizing the President to appoint William Harold Kehoe and Clyde H. Altman, late cadets at the Military Academy at West Point, to the position of second lieutenant of Infantry in the Army, etc., intended to be proposed by him to the Military Academy appropriation bill (H. R. 20872), which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment relative to the retirement of officers of the Philippine Scouts and Constabulary, intended to be proposed by him to the Army appropriation bill (H. R. 20783), which was referred to the Committee on Military Affairs and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CATRON, it was

Ordered, That the papers accompanying the bill (S. 991, 61st Cong.) authorizing the appointment of Col. J. T. Kirkman, United States Army, retired, to the rank and grade of brigadier general on the retired list of the Army be withdrawn from the files of the Senate, no adverse report having been made thereon.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill (S. 2746, 64th Cong.) for the relief of John E. Frymier be withdrawn from the files of the Senate, no adverse report having been made thereon.

FIVE CIVILIZED TRIBES.

Mr. OWEN. Mr. President, I have received a duplicate copy of the annual report of the office of Superintendent for the Five Civilized Tribes of Indians for the fiscal year ended June 30, 1916. I ask that the report be referred to the Committee on Printing with a view to its being printed as a public document.

The VICE PRESIDENT. The report will be referred to the Committee on Printing.

COMMITTEE SERVICE.

Mr. KERN. Mr. President, I am authorized to announce the resignation of the senior Senator from Kansas [Mr. THOMPSON] from the Committee on Public Lands, and also the resignation of the junior Senator from Colorado [Mr. SHAFROTH] from the Committee to Audit and Control the Contingent Expenses of the Senate. Having announced the resignations, I ask the adoption of the order which I send to the desk.

The VICE PRESIDENT. The Secretary will read the order.

The order was read and agreed to, as follows:

Ordered,

1. That Senator THOMPSON, of Kansas, be appointed a member of the Committee to Audit and Control the Contingent Expenses of the Senate to fill the vacancy occasioned by the resignation of Senator SHAFROTH.

2. That Senator SHAFROTH, of Colorado, be appointed a member of the Committee on Public Lands to fill the vacancy occasioned by the resignation of Senator THOMPSON.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 15, 1917, approved and signed the following acts:

S. 1553. An act for the relief of Peter Kenney;

S. 2880. An act for the relief of Martin V. Parmer;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby;

S. 3743. An act to reimburse John Simpson;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto, across the Mahoning River near the borough of Lowellville, in the county of Mahoning and State of Ohio; and

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county.

ARMY TRANSFERS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6850) authorizing the transfer of certain retired Army officers to the active list, which was, on page 1, line 13, after "Provided," to strike out all down to and including the word "retired," on page 2, line 1, and insert: "That such officers shall take rank at the foot of the respective grades which they held at the time of their retirement and."

Mr. CHAMBERLAIN. While the language of the amendment is not quite as it should be, I think there will be no difficulty in construing it. Therefore I move that the Senate concur in the House amendment.

The motion was agreed to.

PUBLIC-BUILDING SITE AT HONOLULU.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 7872) to confirm and ratify the sale of the Federal Building site at Honolulu, Territory of Hawaii, and for other purposes, which were, on line 7, to strike out the parentheses; and on line 10, to strike out the parentheses.

Mr. WILLIAMS. The amendments of the House consist simply in striking out the parentheses. I move that the Senate concur in the amendments.

The motion was agreed to.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 335. Joint resolution for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title and referred to the Committee on Military Affairs.

JACOB B. MOORE.

Mr. OWEN. On February 13 there was received from the House of Representatives a bill (H. R. 14679) for the relief of Jacob B. Moore, and it was referred to the Committee on Claims. I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma that the Committee on Claims be relieved from the further consideration of the bill named by him, and that it be referred to the Committee on Indian Affairs?

Mr. GALLINGER. Will the Senator from Oklahoma state the reason for the change?

Mr. OWEN. This is a claim against the tribal fund of the Chickasaw Tribe, and does not belong to the Committee on Claims. Under the practice it should go to the Committee on Indian Affairs, which deals with tribal funds.

Mr. GALLINGER. Does the Committee on Claims agree with the Senator from Oklahoma that the transfer ought to be made?

Mr. OWEN. I assume so. I do not know of any objection. The practice is that the Committee on Indian Affairs takes charge of claims against Indian tribal funds.

Mr. GALLINGER. Is this claim to be paid out of the tribal funds?

Mr. OWEN. Yes.

Mr. GALLINGER. Then, I have no objection.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

FARMERS AND MERCHANTS' BANK, HEADLAND, ALA.

Mr. THOMAS. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 10823) for

the relief of the Farmers and Merchants' Bank, of Headland, Ala., and I submit a report (No. 1061) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. OVERMAN. I give notice that hereafter I shall raise the point of order on the consideration of all these bills.

Mr. THOMAS. I have no interest in the bill, but I promised the Senator from Alabama that I would ask for its consideration. It is a House bill and refers to a very small item. If the Senator objects, of course it is all right.

The PRESIDING OFFICER. If made, the point of order will be sustained.

Mr. OVERMAN. I object.

Mr. THOMAS. The Senator from North Carolina does not object to the bill going to the calendar, I hope?

Mr. OVERMAN. No.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes," asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Kentucky, Mr. HILLIARD, and Mr. TINKHAM managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure.

The message further announced that the House had agreed to a concurrent resolution authorizing the Secretary of the Senate, in the enrollment of the bill (S. 703) to provide for the promotion of vocational education, to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries, to provide for cooperation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure, to strike out the word "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on the bill and amendment, in which it requested the concurrence of the Senate.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, the House has acted upon the report of the committee of conference on the vocational education bill (S. 703). I wish again to call the attention of the Senate to the fact that we have a print of the report which will easily enable any Senator to see just what changes have been made in the bill as passed by the Senate. The only important change we have made from the Senate action is to concede a board of control, not entirely of Cabinet officers, but adding three men—one the representative of manufacture and commerce, one the representative of agriculture, and one the representative of labor—who, together with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education, shall constitute the board. That is the important concession that we have made to the House.

We have given up the provision that the Commissioner of Education should be the executive officer, and we have stricken out the provision requiring the board to select four specialists in the respective lines at certain named salaries to take charge of the work.

I mention this in advance because I hope to-morrow to bring the report to the attention of the Senate and ask action on it.

OFFENSES AGAINST THE GOVERNMENT.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8148) to define and punish espionage.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment offered by the Senator from North Carolina [Mr. OVERMAN] on behalf of the Judiciary Committee.

Mr. OVERMAN. My motion is to strike out all after the enacting clause of Senate bill 8148 and to insert a substitute therefor.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the bill it is proposed to insert the following:

CHAPTER I.
[S. 8148.]

To define and punish espionage, and for other purposes.

SECTION 1. That (a) whoever, for the purpose of obtaining information respecting the national defense to which he is not lawfully entitled, approaches, goes upon, or enters, flies over, or induces or aids another to approach, go upon, enter, or fly over any vessel, aircraft, work of defense, navy yard, naval station, submarine base, coaling station, fort, battery, torpedo station, dockyard, canal, railroad, arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, or other place connected with the national defense, owned or constructed, or in progress of construction by the United States, or under the control of the United States, or of any of its officers or agents, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, or stored under any contract or agreement with the United States, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place within the meaning of section 6 of this chapter; or (b) whoever, for the purpose aforesaid, and without lawful authority, copies, takes, makes, or obtains, or attempts, or induces or aids another to copy, take, make, or obtain, any sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or (c) whoever, for the purpose aforesaid, receives or obtains or agrees or attempts or induces or aids another to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reasonable ground to believe, at the time he receives or obtains, or agrees or attempts or induces or aids another to receive or obtain it, that it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter; or (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, instrument, appliance, note, or information relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not lawfully entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or (e) whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed; or (f) whoever, within the United States, sends by post, or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat, chemicals, or some other treatment, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

Mr. HITCHCOCK. Mr. President, I should like to inquire whether or not these paragraphs are being adopted as we go along?

Mr. OVERMAN. No. I am merely having the substitute now read. When the reading of this chapter shall have been finished, I shall ask that it be passed over temporarily, in order that we may consider some other chapters as to which I understand there is no contention.

Mr. HITCHCOCK. I wanted to inquire especially about the paragraph which has just been read in reference to any one writing with invisible ink, and what that really means; what the provision is intended to cover.

Mr. OVERMAN. When we come to that I will explain it; but, I repeat, I am going to ask that this chapter be passed over temporarily. Later I will explain to the Senate what it means.

The reading of the substitute was resumed and continued to the end of chapter 1, as follows:

Sec. 2. (a) Whoever, having committed or attempted to commit any offense defined in the preceding section, communicates, delivers, or transmits, or attempts to, or aids or induces another to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, code book, signal book, sketch, photograph, photographic negative, blue print, plan, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than 20 years: *Provided*, That whoever shall violate the provisions of this paragraph of this section in time of war shall be imprisoned for life; and (b) whoever, in time of war, with intent that the same shall be communicated to the enemy, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of

any place, or any other information relating to the public defense or calculated to be, or which might be, directly or indirectly, useful to the enemy, shall be punished by death or by a fine of not less than \$1,000 and by imprisonment for not more than 30 years; and (c) whoever, in time of war, in violation of regulations to be prescribed by the President, which he is hereby authorized to make and promulgate, shall collect, record, publish, or communicate, or attempt to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aeroplanes, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense or calculated to be, or which might be, useful to the enemy, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than three years, or by both such fine and imprisonment.

Sec. 3. Whoever, in time of war, shall, by any means or in any manner, spread or make reports or statements, or convey any information, with intent to cause disaffection in or to interfere with the operations, or success of, the military or naval forces of the United States, or shall willfully spread or make false reports or statements or convey any false information calculated to cause such disaffection or interference, shall be punished by a fine of not more than \$10,000 and by imprisonment for life or any period less than 30 years.

Sec. 4. If two or more persons conspire to violate the provisions of sections 2 or 3 of this chapter, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 37 of the act to codify, revise, and amend the penal laws of the United States approved March 4, 1909.

Sec. 5. Whoever harbors or conceals any person whom he knows, or has reasonable grounds for believing or suspecting to be a spy, or to have committed or to be about to commit an offense under this chapter, shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both.

Sec. 6. The President of the United States shall have power to designate any place other than those set forth in paragraph (a) of section 1 hereof as a prohibited place for the purposes of this chapter, on the ground that information with respect thereto would be prejudicial to the national defense; he shall further have the power, on the aforesaid ground, to designate any matter, thing, or information belonging to the Government, or contained in the records or files of any of the executive departments, or of other Government offices, as information relating to the national defense, to which no person (other than officers and employees of the United States duly authorized) shall be lawfully entitled within the meaning of this chapter: *Provided, however*, That nothing herein contained shall be deemed to limit the definition of such information within the meaning of this chapter to such designated matter, thing, or information.

Sec. 7. Nothing herein contained shall be deemed to limit the jurisdiction of the general courts-martial, military commissions, or naval courts-martial under sections 1342, 1343, and 1324 of the Revised Statutes.

Sec. 8. All offenses committed and all forfeitures or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed.

Sec. 9. The provisions of this chapter shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States whether or not contiguous thereto, and offenses under this chapter when committed upon the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the Territorial limits thereof shall be punishable hereunder.

Sec. 10. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter committed within their respective districts or upon the high seas, and of conspiracies to commit such offenses, as defined by section 87 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, and the provisions of said section for the purpose of this chapter are hereby extended to the Philippine Islands and to the Canal Zone.

Sec. 11. The act entitled "An act to prevent the disclosure of national-defense secrets," approved March 3, 1911, is hereby repealed.

Mr. OVERMAN. I ask unanimous consent that we consider the substitute by chapters, that this chapter be passed over for the present, and that the next chapter be read and considered.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Is there objection to the request of the Senator from North Carolina?

Mr. CUMMINS. I desire to make a suggestion, Mr. President. I think I have no objection to the course proposed by the Senator from North Carolina, but the Secretary has now read the first chapter, which is a distinct subject in itself. I am afraid by the time we return to it Senators will have forgotten what is in it.

Mr. OVERMAN. We can have it read at any time. I am trying to hasten the consideration of the bill as much as possible and to have it read by chapters.

Mr. CUMMINS. What is the present suggestion or motion?

Mr. OVERMAN. My present suggestion is that we consider the bill by chapters; that temporarily the first chapter be passed over and that we return to it.

Mr. CUMMINS. I have no objection to that course, although I do not know whether or not the Senator from North Carolina intends to ask for a vote by chapters. I do not understand how that could be done, and I do not think it could be done.

Mr. BRANDEGEE. Mr. President, I want to ask the Senator from North Carolina which print of the bill it is that is now before the Senate?

Mr. OVERMAN. The print of the bill which is now being read is a print which has been furnished by the Committee on the Judiciary. The Senator can get a copy of it. What is being read now is the substitute offered for Senate bill 8148, which has been reported from the Judiciary Committee.

Mr. BRANDEGEE. I have here the committee print of the neutrality bill, S. —, and I also have Calendar No. 912, being Senate bill 8148, with the original bill stricken through and the amendments printed in italics. Which of these prints is the Senate now acting upon?

Mr. OVERMAN. The print, "Chapter 1, Senate bill 8148," is the substitute reported by the committee for the bill which was introduced; and chapter 2, if the Senator will notice, is the bill which was introduced by myself, which was referred to the Committee on the Judiciary, considered by them, reported back, and included in the substitute which is now offered.

Mr. BRANDEGEE. I do not know that I make myself clear. I suppose we are considering the committee's amendments to Senate bill 8148, which was regularly introduced, referred to the Committee on the Judiciary, and reported back with the recommendation of the committee to strike out all that is marked through and to insert what is printed in italics.

Mr. OVERMAN. The Senator will find that this substitute is exactly what the committee has reported, if he will examine it.

Mr. BRANDEGEE. I know; but why is not the question before the Senate the amendment of the committee reporting to strike out and insert?

Mr. OVERMAN. Because to that I have proposed these 14 bills, included in one, as a substitute for Senate bill 8148. Then, when it is adopted, if it is adopted, I will move to indefinitely postpone all the other bills, as they are all contained in this substitute.

The PRESIDING OFFICER. The Chair will state to the Senator from Connecticut that there were certain amendments proposed by the Judiciary Committee to Senate bill 8148, and that it is proposed now by this new bill to strike out the matter contained in the Senate bill and to substitute that which is contained in these chapters.

Mr. BRANDEGEE. Mr. President, I do not understand it, but I shall not interfere further.

Mr. SUTHERLAND. Mr. President, I think I can state it so that the Senator will understand it.

Mr. BRANDEGEE. I hope so.

Mr. SUTHERLAND. The Committee on the Judiciary has reported to the Senate 14 different bills out of 17 which were originally introduced. The first of those 14 bills is Senate bill 8148. The Senator from North Carolina has offered as a substitute for that bill the matter which is printed and to which the Senator has called attention, marked "Committee print," which includes not only the matter in Senate bill 8148 but also the matter contained in the other 13 bills. The object of that procedure is to facilitate consideration. Instead of having to take up each of these bills separately and consider them, if the Senate considers this substitute, then the whole 14 bills are before the Senate in the form of a substitute. The only purpose of proceeding in this way is to facilitate the consideration of the bill.

Mr. CUMMINS. Mr. President, I have no difficulty in understanding what the Senator from North Carolina has proposed by way of a substitute, but I have great difficulty in reaching any conclusion in respect to the action upon the substitute. It has to be considered by chapters. Now, a parliamentary inquiry. Suppose we consider chapter 2, what action can be taken upon chapter 2 as segregated from the remainder of the substitute?

Mr. OVERMAN. As I understand, if the Senate is agreeable, we will consider that as adopted; then we will go on to the third chapter, then the fourth chapter, and so forth. When these have been acted upon we will come back, having passed over chapter 1, and consider that, and when that is adopted the question will be whether we will adopt the entire substitute.

Mr. SMITH of Michigan. All being correlated.

Mr. OVERMAN. They are all correlated.

Mr. CUMMINS. No; they are not all correlated. They have no relation to each other.

Mr. OVERMAN. Whether they have any relation to each other or not, the Senator understands that each chapter will be considered and adopted, either with or without amendment, or not adopted, and when the whole bill has been gone through with in that way the substitute as an entirety will be open to amendment.

Mr. CUMMINS. So that there is really nothing accomplished by this procedure. The whole bill and every chapter will be open to amendment after we pass through it and informally approve it.

Mr. OVERMAN. Just as in the consideration of tariff bills; as the Senator will remember, we consider them by sections, adopting the sections as we go along, and then, of course, before the final passage of the bill the whole amendment is adopted.

Mr. CUMMINS. If it is thoroughly understood that we pass through these chapters to ascertain what objection there is, if any, to them; that after we have done that no formal action is to be taken; and that then the entire bill is open for amendment and consideration precisely as if we had not passed through the chapters, I have no objection whatever.

Mr. OVERMAN. That would be its natural parliamentary status anyhow.

Mr. NELSON. Mr. President, it seems to me that this matter is perfectly plain. Each one of these chapters is to be considered as a separate section of a bill. If we approve a given chapter as in Committee of the Whole, that is like adopting a section of any other bill as in Committee of the Whole, and when the bill passes from the Committee of the Whole further amendments can be offered to it.

Mr. CUMMINS. That is just what I asked the Senator from North Carolina, and I do not understand him to agree with the Senator from Minnesota. If we consider chapter 2, there will be no vote on it, but we will have a vote on the bill, as I understand.

Mr. NELSON. Certainly we can have a vote on it, as we can on a section of any other bill.

Mr. CUMMINS. I want that parliamentary procedure thoroughly understood and settled upon before I give my consent to the suggestion of the Senator from North Carolina.

Mr. BRANDEGEE. Mr. President, I have exactly the same thing in mind that the Senator from Iowa has. I think there ought to be a definite understanding before we give unanimous consent to a method of procedure which evidently is understood in different ways. If it is meant that if, for instance, we adopt chapter 2 as in Committee of the Whole, and that chapter is still open to further amendment as in Committee of the Whole after it is adopted and before the bill goes to the Senate, well and good; but if, when we adopt it, it is set aside and can not be further amended as in Committee of the Whole, I want to understand that.

Mr. SUTHERLAND. Mr. President, it seems to me that the parliamentary situation is a perfectly simple one. The matter the Senator from North Carolina has presented is offered as a substitute for Senate bill 8148. The question is whether it shall be adopted as a substitute. The substitute is open to amendment in any particular, either by adding to it or by striking from it any section or any chapter as we go along, in order to perfect the substitute before we vote upon it. So, as we go along, if the Senator from Iowa is dissatisfied with a chapter, he can move to strike that out, and if the motion prevails it goes out of the substitute. If the motion fails, the chapter remains in the bill, and we vote upon it in connection with the other provisions of the substitute when we reach that parliamentary stage, just the same as in the case of a substitute offered to any other bill.

Mr. BRANDEGEE. Mr. President—

Mr. SUTHERLAND. Just a moment. As I understand, the Senator from North Carolina proposes to consider his substitute by chapters. The Secretary has read chapter 1, and that has been laid aside for further consideration. Now we take up chapter 2, and that may be dealt with. If the Senator from Iowa objects to it, a motion can be made to strike it out or to amend it in any particular.

Mr. CUMMINS. What I have asked all the time is this: Suppose chapter 2 is read and no Senator has any objection to it and no amendment is offered to it, what happens then? What vote is taken upon chapter 2?

Mr. SUTHERLAND. No vote is then taken upon it.

Mr. CUMMINS. Therefore, when we pass all through the bill I can, if I like, in Committee of the Whole, offer an amendment to chapter 2?

Mr. SUTHERLAND. I should say so.

Mr. OVERMAN. Of course.

Mr. CUMMINS. That is what I want to understand.

Mr. OVERMAN. The Secretary is reading the substitute. Of course there will be a vote on it as in Committee of the Whole, and the substitute before it is finally acted upon can be amended.

Mr. BRANDEGEE. The whole difficulty, in my mind, arises from this: The Senator from North Carolina [Mr. OVERMAN] is asking for unanimous consent to adopt a certain method of procedure, and I understood him to ask that the different chapters be acted upon separately. The Senator from Utah [Mr. SUTHERLAND] does not state it in that way. He says that, as he understands the request of the Senator from North Carolina, the

Senate is to consider the chapters separately and then set them aside without action. I do not know which statement is correct.

Mr. OVERMAN. This is a substitute containing all the bills to which I have referred, each chapter being a separate bill. My idea was to ask unanimous consent to consider each chapter, to have it read, and if any Senator had an amendment to submit to it we would try it out, and then adopt that chapter subject, however, when the whole substitute comes to be voted on, to amendment as to the entire substitute.

Mr. CUMMINS. Any part of it?

Mr. OVERMAN. Of course.

Mr. BORAH. What is the necessity of pursuing any different course than we have pursued heretofore in connection with other bills? Here is a substitute offered for another bill, and why not proceed as usual, and if any Senator has objection when a particular provision is reached, let it go over temporarily and consider others?

Mr. OVERMAN. As there seems to be objection to the suggestion I have made, I will ask that the reading be resumed.

The PRESIDING OFFICER. The Secretary will resume the reading of the proposed substitute.

The Secretary read as follows:

CHAPTER II.
[S. 6813.]

To prohibit and punish the willful making of untrue statements under oath to influence the acts or conduct of a foreign Government, or to defeat any measure of the Government of the United States in a dispute or controversy with any foreign nation.

SECTION 1. Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath before any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign Government, or of any officer or agent of any foreign Government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute or controversy, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Now, Mr. President, if there is no objection, I should like to have that chapter adopted.

Mr. STONE. Mr. President, before it is adopted I should like to ask the Senator why it is required that the statement referred to in the second line should be made under oath?

Mr. OVERMAN. It reads:

Whoever shall willfully and knowingly make any untrue statement, either orally or in writing, under oath—

I will read what the Attorney General says—

Mr. STONE. It does not say "or under oath," as the Senator reads it.

Mr. OVERMAN. No; it says "orally or in writing, under oath."

Mr. STONE. Yes; "orally or in writing, under oath," and made to influence the action of any foreign government with relation to a dispute between that government and the United States. Why confine it to a statement "under oath"?

Mr. BORAH. We would not want to punish a man for a mere verbal statement without any seriousness or any verity behind it.

Mr. STONE. Well, let us see. I read further from the provision:

Which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government—

And so forth.

If a statement is made not under oath but made for the purpose indicated, and which the person making it has reason to believe, and does believe, might influence the action of a foreign government unfavorably toward us with respect to some international dispute, it would seem immaterial to me whether it was sworn to or merely vouched for in a statement not sworn to.

Mr. BORAH. Mr. President, it seems to me the Senator would not want to punish, as this chapter provides for punishing, a man who should make a statement which might be calculated to influence a foreign government. It might take place under most unexpected circumstances. But if he goes and deliberately makes it under oath, it shows that there is back of it premeditation, as it were, or the purpose to affect the foreign government and to influence it. If you are going to spread it out to conversations and general statements, to debates and to newspaper publications, and so forth, of course the bill never could get through the Senate in the world.

Mr. NELSON. Mr. President, will the Senator from Missouri allow me to state a concrete case that this provision of law exactly fits? The Senator will recall the case of the sinking of the *Lusitania*. He will recall the fact that a man, whose name I can not recall—

Mr. OVERMAN. Wolf, I think.

Mr. NELSON. I am not sure about the name—made an affidavit that there were munitions and military supplies on board of the ship, and contraband of war, as an excuse for the Germans sinking that ship. It turned out afterwards that that was a falsehood, and my recollection is that he was convicted of perjury and punished for it. Now, this is to meet just such a concrete case as that.

Mr. STONE. Mr. President, so far as the purpose of this proposed law goes, that man should have been punished, if under the facts he deserved punishment, for making that statement in writing, even if it had not been verified, as much as and as well as if he had sworn to it. Possibly oral statements should be put upon a different basis, for the reason stated by the Senator from Idaho; but if a man deliberately writes a statement, whether he swears to it or not, there is as much deliberation in its preparation in the one instance as in the other, though perhaps not as much solemnity.

There is another question I should like to ask my friend from North Carolina as to this bill. Beginning with the second word of line 4 I read:

which the affiant has knowledge or reason to believe will or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, in relation to any dispute or controversy with the United States, or with a view or intent to defeat any measure of or action by the Government of the United States, in relation to such dispute—

And so forth. While we are proposing to punish a man for making a false statement calculated and intended to influence a foreign government with which we have a dispute, why should it not equally be made an offense for any man to make a statement under oath to unduly influence the Government of the United States, or the responsible officials of the United States, in the same direction?

Mr. OVERMAN. I think that is covered in another chapter.

Mr. BORAH. Well, I hope it is not. What would the Senator do with these editorials and periodical articles which are appearing every day?

Mr. STONE. Whether the falsehood be in an editorial or anything else, if a false statement is made intentionally, deliberately, with knowledge, and for the purpose of influencing the action of the public officials of the United States, and when the writer or publisher knows it to be false, he ought to be held to some accountability, so far as that may be possible under the Constitution.

Mr. SMITH of Michigan. Mr. President, take the case of the reported holding of our ambassador to Germany. It has been repeated over and over again until a great many people believe it to be true. I do not know whether there is any foundation for it or not. If there is no foundation for it, it certainly is a very great error on the part of some one.

Mr. STONE. It is worse than an error.

Mr. SMITH of Michigan. Would the Senator reach that class of offenders?

Mr. STONE. Yes; I would. If they knew—mind you, there must be knowledge—or had every reason to believe that it was false, and deliberately scattered a falsehood of that kind broadcast over the land, and especially among the responsible officials of the Government, to influence the action of this Government in its dealings with a foreign country with which we were having a dispute, I think they ought to be held amenable as well as if the purpose of the false statement should be to influence a foreign government against us.

Mr. SMITH of Michigan. That was not under oath, though.

Mr. BORAH. Mr. President, it is not to be presumed, of course, that these publications of which we speak would come technically within this rule; but every publication would be put upon its defense upon the simple question of whether or not, at the time the publication appeared, the writer of the article had knowledge of the falsity of the statement.

Mr. OVERMAN. All these sections cover that.

Mr. BORAH. And I think it would be a limitation which we would not want to put upon a discussion of these questions at this time, even if they are delicate questions.

Mr. OVERMAN. Mr. President, we have no law at all upon this subject now, as to false swearing. This applies only to verbal statements and false statements made, and it makes them a crime. We have no law at all upon the subject now. I note what the Attorney General says in his report:

At present no law exists under which false swearing intended to influence the Government in controversies with a foreign nation can be prosecuted. Unless the false swearer shall repeat his false statement in some grand jury or other judicial proceedings, so that he may be indicted for perjury, he may at present entirely escape punishment.

Mr. STONE. Mr. President, there is no shadow of doubt in the mind of any intelligent or fair-thinking man that there is

a cabal of great newspapers in this country working in a conspiracy to create a condition which they think may coerce the Government of the United States into an attitude of hostility to one of the belligerent powers.

Mr. OVERMAN. Mr. President, if the Senator will yield to me, I think the matter he is talking about will be covered in the first chapter of this bill, which I have passed over temporarily. All the matters that he is talking about now will come up in that part of the bill.

Mr. STONE. I am not arguing the matter especially with a view of offering any amendment, but I am saying what I do with a view to expressing my opinion, and putting it in the Record and before my colleagues of the Senate, that I believe that men who try unduly and by false statements to involve this country in the disasters of war are public enemies, no matter what their pretensions to virtue and patriotism; and that the publication or the mere making for public use in any way of bitter and venomous false statements, whether intended to influence the action of a foreign government or our own Government, ought to be curtailed, if not prohibited, as far as possible. I think the effect of the law ought to bear upon those who seek deliberately to mislead their own government as well as upon those who make statements intended to mislead the foreign Government with which we may have a dispute. It ought to work both ways, and in many respects it is more important that it should operate with respect to our own Government.

Mr. NELSON. Mr. President, will the Senator yield to me a moment? I want to call his attention to the last part of this provision, commencing in line 8:

Or with a view or intent to defeat any measure of or action by the Government of the United States.

So that it is not only a question as to the effect it has on the foreign power, but also as to the effect it has on the Government of the United States.

Mr. STONE. Well, "to defeat"; not to "initiate."

Mr. NELSON. "Or with a view or intent to defeat any measure of or action by the Government of the United States in relation to such dispute or controversy."

Mr. OVERMAN. I suppose, Mr. President, section 3 of the first chapter might cover that:

Whoever, in time of war, shall, by any means or in any manner—

Mr. LA FOLLETTE. That is in time of war, is it not?

Mr. OVERMAN. Yes; that is in time of war.

Mr. LA FOLLETTE. That is not what we are talking about.

Mr. OVERMAN. I think we have another section which covers it in time of peace.

The PRESIDING OFFICER. The Secretary will continue the reading of the proposed substitute.

The Secretary read as follows:

CHAPTER III.

[S. 6816.]

To prevent and punish the impersonation of officials of foreign governments duly accredited to the Government of the United States.

SECTION 1. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the Government of the United States, with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or said foreign government, or any officer thereof, any money, paper, document, or other valuable thing, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

CHAPTER IV.

[S. 6797.]

To regulate and safeguard the issuance of passports, and to prevent and punish the fraudulent obtaining, transfer, use, alteration, or forgery thereof.

SECTION 1. Before a passport is issued to any person by, or under authority of, the United States, such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport.

SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport or otherwise, with intent to induce or secure the issue of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any passport, the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Mr. OVERMAN. Mr. President, I desire to introduce two amendments that have been suggested to that chapter, and ask to have read a letter from the Attorney General on the subject. The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer oaths," and to insert in lieu thereof the following:

Such person as may be designated by the President or by the Secretary of State to administer such oaths.

Mr. SUTHERLAND. So that it will read how?

Mr. CUMMINS. Mr. President, I am very much opposed to that amendment.

Mr. OVERMAN. I ask that the letter of the Attorney General be read as to the two amendments.

The PRESIDING OFFICER. The Secretary will read the second amendment and the letter.

Mr. CUMMINS. Mr. President, just a moment. I should like to have the first amendment read again. I have the floor. Will the Secretary read the amendment again?

The SECRETARY. On page 12, lines 4 and 5, it is proposed to strike out the words "a person authorized and empowered to administer oaths," and to insert in lieu thereof "such person as may be designated by the President or by the Secretary of State to administer such oaths," so that the section if amended will read:

Before a passport is issued to any person by or under authority of the United States, such person shall subscribe to and submit a written application duly verified by his oath before such person as may be designated by the President or by the Secretary of State to administer such oaths—

And so forth.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina prefer that the letter of the Attorney General shall be read before I state my objection?

Mr. OVERMAN. Yes; so that the Senator can understand what the Attorney General desires.

The Secretary proceeded to read the letter.

Mr. OVERMAN. Mr. President, as suggested by the Senator from Wisconsin [Mr. LA FOLLETTE], I am willing to let these amendments be printed and go over, and have the letter of the Attorney General printed in the Record, so that Senators will understand it.

The VICE PRESIDENT. The letter will be printed in the Record.

Mr. OVERMAN. I ask that the amendments may go over and that the letter and amendments may be printed in the Record.

The VICE PRESIDENT. Without objection, that will be done.

The amendments and letter above referred to are as follows:

1. Page 12, lines 4 and 5, strike out "a person authorized and empowered to administer oaths" and insert in lieu thereof the following: "such persons as may be designated by the President or by the Secretary of State to administer such oaths."

2. Insert, at the end of section 1, on page 12, the following: "Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 12, 1917.

Hon. C. A. CULBERSON,

Chairman Committee on the Judiciary,

United States Senate, Washington, D. C.

MY DEAR SENATOR: The State Department has just presented to me two minor additions which it says are very essential to the bill originally S. 6797, now chapter 4 of the committee print neutrality bill, relative to passports.

1. To amend lines 4 and 5, page 12, so as to read as follows:

"His oath before such persons as may be designated by the President or by the Secretary of State to administer such oaths, which said application shall contain a true."

2. To insert, at the end of section 1, on page 12, the following:

"Clerks of United States courts, agents of the Department of State, or other Federal officials authorized or who may be authorized to take passport applications and administer oaths thereon, shall collect for all services in connection therewith a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate."

The object of this addition is to clear up a situation which now exists. At present clerks of courts are the officials designated by the President, through the Secretary of State, to take passport applications and administer oaths. Under the present fee system there is a great variance in the practice of these clerks of courts, and many of them, it has been found, charge fees which are quite exorbitant, but which seem to be lawful under the present statutes. The fees charged, it has been found, have varied from \$1.50 to about \$6. The Chief of the Citizenship Bureau of the State Department and the Chief of the Division of Accounts in this department, both of which gentlemen have had long experience in these matters, have come to the conclusion that a fee of \$1 is ample in such cases and that larger fees are or may be an unnecessary hardship on citizens applying for passports.

This is a matter which has been presented to my attention for the first time to-day, and was not considered by me or, apparently, by the State Department when the final draft of the bill on this subject was submitted to it.

Respectfully,

T. W. GREGORY,
Attorney General.

The Secretary resumed the reading of the proposed substitute, as follows:

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not exceeding \$2,000 or imprisoned not more than five years, or both.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted, in the same manner and with the same effect as if this act had not been passed.

CHAPTER V.

[S. 6798.]

To prohibit and punish the fraudulent use, application, or counterfeiting of the seal of any executive department or government commission.

SECTION 1. Whoever, not being duly authorized and empowered so to do, shall fraudulently affix or impress the seal of any executive department, or of any bureau, commission, or office of the United States, to or upon any certificate, instrument, commission, document, or paper of any description; or whoever, with knowledge of its fraudulent character, shall with wrongful or fraudulent intent use, buy, procure, sell, or transfer to another any such certificate, instrument, commission, document, or paper, to which or upon which said seal has been so fraudulently affixed or impressed, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

SEC. 2. Whoever shall falsely make, forge, counterfeit, mutilate or alter, or cause or procure to be made, forged, counterfeited, mutilated or altered, or shall willingly assist in falsely making, forging, counterfeiting, mutilating or altering, the seal of any executive department, or any bureau, commission, or office of the United States, or whoever shall knowingly use, affix, or impress any such fraudulently made, forged, counterfeited, mutilated or altered seal to or upon any certificate, instrument, commission, document or paper of any description, or whoever with wrongful or fraudulent intent shall have possession of any such falsely made, forged, counterfeited, mutilated or altered seal, knowing the same to have been so falsely made, forged, counterfeited, mutilated or altered, shall be fined not more than \$5,000 or imprisoned not more than 10 years, or both.

CHAPTER VI.

[S. 6815.]

To prevent and punish conspiracy to injure or destroy property situated within and belonging to a foreign Government with which the United States is at peace, or of any subdivision or municipality thereof.

SECTION 1. If two or more persons within the jurisdiction of the United States conspire to injure or destroy property situated within a foreign country, State, or Province with which the United States is at peace, when the offense designed to be committed in such foreign country constitutes a felony under the laws thereof, and when one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

Mr. SUTHERLAND. Mr. President, I want to call attention to a provision in this chapter, for fear it may be overlooked hereafter. The language of it is, beginning on line 4:

When the offense designed to be committed in such foreign country constitutes a felony under the laws thereof.

A felony is one thing under the rules of the common law, and it may be an entirely different thing under the rules of law that prevail in other countries, as, for example, France, where there may not be such a thing as a felony. I do not know whether there is or not. We have statutes that define what shall constitute a felony. The statutes differ from the common-law definition. We have written into our own statutes, in the Criminal Code, a definition of a felony; so I think that the word "felony" is an unfortunate term to use here. I think we had better use the word "crime," so that it will read: "constitutes a crime under the laws thereof."

I make that suggestion for the consideration of the Senator in charge of the bill.

Mr. OVERMAN. I think that is right. I know that in England what constitutes a misdemeanor and what constitutes a felony is well defined in Blackstone, but I do not know about France and other countries. I have no idea what the law is there. I know what would be a felony in Great Britain; but what would be a felony in France I do not know.

Mr. SUTHERLAND. It may be a crime, but not a felony.

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. I make that suggestion.

Mr. FLETCHER. Mr. President, I do not think it was intended to punish under this section conspiracies that involve every sort of crime. Under the laws of some countries what would be regarded as a crime might be of very little conse-

quence. The word "crime" would involve merely the commission of some offense which was denounced as criminal. A felony is a specific thing, and if the laws of a country declare that a certain offense is a felony then it is easy to produce that law, and the whole question is settled. The word "crime" seems to me to be too general.

Mr. SUTHERLAND. I recognize the force of what the Senator says; but the difficulty is that there may not be such a thing as a felony under the laws of some foreign countries. We use the term to distinguish it from a misdemeanor. There may not be such a distinction at that. At any rate, if the word "crime" is not used I would put in some provision to the effect that it should be a crime punishable by imprisonment for more than a year, or something of that sort.

Mr. FLETCHER. I should think the term "crime punishable by imprisonment" would cover it. That would perhaps make it a little clearer than to make it simply "crime."

Mr. SUTHERLAND. Let me ask the Senator a question. Suppose this law is passed as it reads now, and a person should be charged with conspiring to injure or destroy property in France. Can the Senator tell us under the laws of France, whether or not any offense of that character would constitute a felony?

Mr. FLETCHER. I would not be able to say, of course, unless I examined the laws. I would have to refer to the laws.

Mr. SUTHERLAND. That is the difficulty.

Mr. NELSON. Mr. President, if the Senators will yield to me, I think the term "felony" is a term that is known only to the American and the English common law, or where the common law prevails; that in all the other countries, outside of the scope of the common law, they are under what you might call the Roman law. That is the basis of the law, modified in some countries, as in France, by the Code Napoleon. But they all have different terms by which they designate crimes; and the term "felony," as I understand, is not known in any criminal law of Continental Europe in the sense that we use it in American and English law. Hence, I think it would be wise to say "a crime punishable by imprisonment"; or you might say "by imprisonment of not less than one year."

Mr. SUTHERLAND. Yes.

Mr. FLETCHER. Why not say "crime punishable by imprisonment"?

Mr. NELSON. Well, that is sufficient.

Mr. SUTHERLAND. We have now defined, in the statutes of the United States, a felony as constituting a crime punishable by not less than a year's imprisonment. Prior to the writing of that definition in the Criminal Code, as the Senator knows, there was always a great deal of confusion in determining what constituted a felony. The court had to go back to the rules of the common law in order to determine whether or not the crime was a felony. But we have now made that simple definition in our statutes, and I am inclined to think we might simply write that definition into the law. Instead of using the term "felony," let it read "crime punishable by imprisonment for not less than one year."

Mr. OVERMAN. I think that is a very wise provision, and if the Senator will offer it now I will be glad to have him do so.

Mr. SUTHERLAND. I will offer it.

Mr. SMITH of Georgia. Is it not better to use the term "punished by imprisonment" than to put in a period?

Mr. SUTHERLAND. Very well; I will not insist on the other form.

Mr. SMITH of Georgia. There are a great many crimes and a broad latitude should be given to the judge to punish by imprisonment.

Mr. SUTHERLAND. I will present it in that form. I move to strike out "felony" and insert "crime punishable by imprisonment."

The SECRETARY. On page 17, line 6, strike out the word "felony" and insert "crime punishable by imprisonment."

The VICE PRESIDENT. The amendment will be agreed to, without objection.

The Secretary read as follows:

CHAPTER VII.

[S. 6799.]

To amend section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909.

SECTION 1. Section 13 of the act "to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, be, and the same is hereby, amended so as to read as follows: Whoever within the territory or jurisdiction of the United States begins, or sets on foot or furnishes money, or provides or prepares the means for, or who takes part in any military or naval expedition or enterprise to be carried on from thence against the territory or dominions of any foreign prince or State, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than \$3,000 and imprisoned not more than three years.

Mr. CUMMINS. May I ask the Senator from North Carolina what cases are intended to be reached by this chapter that are not covered by the existing law? On a comparison I find that the only difference between the chapter and the existing law is the introduction of the phrase "or furnishes money."

Mr. SUTHERLAND. If the Senator will permit me, it amplifies it by inserting the word "naval." The word naval is added where the law simply says "set on foot or takes part in any military expedition." I do not myself see that it is necessary.

Mr. CUMMINS. Is not a naval expedition a military expedition?

Mr. SUTHERLAND. I think so, but the Attorney General seems to think it is necessary to use that word, and I see no objection to it.

Mr. CUMMINS. I care nothing about that, but the words "or furnishes money" are inserted, as I remember. I can not see the occasion for them, unless they are intended to embrace something that I can not favor.

Mr. OVERMAN. The Attorney General says:

It is desirable that contribution of money for such unlawful expeditions or enterprises should be made illegal in express terms, although it is probably included within the meaning of "provides or prepares the means for" in the present statute.

Those are the only words added, and they ought to be added. The law ought to be more explicit.

Mr. CUMMINS. Does the Senator from North Carolina think the words "provides or prepares the means for" do not cover the furnishing of money?

Mr. SUTHERLAND. That language is already in the law.

Mr. CUMMINS. Not the words "furnishes money."

Mr. SUTHERLAND. The words "or provides or prepares the means for" are in the law.

Mr. CUMMINS. I say they cover the furnishing of money, and I wondered—

Mr. OVERMAN. The Attorney General says, further, that he wants to make it more specific; that there might be some doubt in the court as to whether the furnishing of money was included or not.

Mr. SUTHERLAND. The language which is added is "or who takes part in any military or naval expedition."

Mr. SHIELDS. The most serious objection I see is its generality. This is a very broad statute:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or furnishes money, or provides or prepares the means for, or who takes part—

It is emphasized by the latter provision—

or who takes part in any military or naval expedition or enterprise to be carried on from thence—

And so forth. One may furnish money or means for an expedition of this kind without knowing it. The word "knowingly" ought to there, so as to read:

Whoever within the territory or jurisdiction of the United States begins, or sets on foot, or knowingly furnishes money, or provides—

And so forth.

Mr. CUMMINS. That is not the thought I had in mind. Anyone who furnishes money in the course of preparation for an enterprise carried on in a foreign country would already be guilty under the statute. Anyone who furnishes money no matter whether he knows it is to be used in such an enterprise or not becomes guilty.

Mr. SHIELDS. And might be convicted under this statute?

Mr. CUMMINS. Yes.

Mr. SHIELDS. I move that the word "knowingly" be inserted.

Mr. OVERMAN. Inserted where?

Mr. SHIELDS. In line 6, after the word "or," where it first appears in that line, and before the word "furnishes."

Mr. OVERMAN. The Senator proposes a limitation that is not in the original statute of which this is amendatory.

Mr. SHIELDS. Then it ought to have been in the original statute.

Mr. OVERMAN. That has been the law for a long time.

Mr. SUTHERLAND. I suggest to the Senator from Tennessee that that has been the form of the statute for a hundred years and no unjust result has flown from it. I would hesitate to make changes in these statutes that have been on the books so long and that have been administered.

Mr. SHIELDS. I understand from the Senator from Iowa that the phrase "furnishes money" is not in the original statute.

Mr. SUTHERLAND. No.

Mr. CUMMINS. That is not in the statute. The wording is entirely new and intended, of course, to cover some different cases.

Mr. OVERMAN. The only words added are "furnishes money." The original statute is amended by adding the word "naval" and the words "furnishes money," that is all.

Mr. SUTHERLAND. Let the word "knowingly" then simply qualify the phrase, so as to read "or knowingly furnishes money."

Mr. CUMMINS. That is the amendment, I understand, of the Senator from Tennessee.

Mr. SUTHERLAND. I think that would not be objectionable.

Mr. SHIELDS. The amendment I offered was to place the word "knowingly" before the word "furnishes," so as to read "knowingly furnishes money."

The SECRETARY. On page 18, line 6, before the word "furnishes," insert the word "knowingly," so as to read "or sets on foot or knowingly furnishes money."

The amendment was agreed to.

The Secretary read as follows:

CHAPTER VIII.

[S. 6812.]

To regulate and restrain the conduct and movements of interned soldiers and sailors of belligerent nations, and for other purposes.

SECTION 1. Whoever, being a person belonging to the armed land or naval forces of a belligerent nation or belligerent faction of any nation and being interned in the United States, shall leave or attempt to leave said jurisdiction, or shall leave or attempt to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or shall overstay a leave of absence granted by such official, shall be subject to arrest by any marshal or deputy marshal of the United States, or by the military or naval authorities thereof, and shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

SEC. 2. Whoever, within the jurisdiction of the United States and subject thereto, shall aid or entice any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

Mr. CUMMINS. Before passing from this chapter I should like a little information from the Senator from North Carolina. I do not know just what the status of a soldier or a sailor or anyone belonging to the armed land or naval forces of a belligerent nation in our country is. Is he under arrest? Is he limited to a particular place? Are his movements controlled by some law of our own country or by the law of nations? I ask these questions because I have not had time to examine the subject and I do not know.

Mr. OVERMAN. There is no rule of international law on this subject. The Attorney General says:

Under the rules of international law, a belligerent warship and its crew is required to intern in the port of a neutral nation under certain circumstances. There is no present statute which prevents a breach of the internment or escape of the crew.

Mr. CUMMINS. It seems to me that we are preparing the way here for a possible act of war. We are making it a criminal offense for any soldier or sailor of a belligerent who happens to be interned in our country, and I do not know just what that means, to leave the limits of the internment; and we are providing that if he does leave these limits he may be arrested by a marshal or by military authority, returned to the place of his internment and kept there just as long as the official in charge shall direct, whether that be 10 minutes or 10 years. There is no limit to the authority here conferred. I can not speak about the matter with very much certainty because I do not know what the status of such a person is in the United States, but I do know that we ought not to authorize a marshal or an officer of our Army to violate international law or a treaty that we may have with the nation of which the soldier or the sailor is a subject or a citizen.

I will be very glad if some one who is familiar with these things will tell the Senate what the status is and by what law the so-called interned sailors and soldiers are controlled. I do not want to give a deputy marshal or a military officer power to abrogate all our treaties and commit an act of war.

Mr. SMITH of Georgia. I can not say that I am thoroughly familiar with the subject, but my understanding is that an interned armed vessel covered by this provision, under the rules of international law and by all our treaties, is limited as to the length of time within which it can leave, and having stayed that length of time and having abandoned the purpose to leave, the right to leave ceases.

Mr. CUMMINS. What, then, becomes of the persons on board the boat? Are they under arrest? Are they prisoners of the United States after that time?

Mr. HUGHES. Does the Senator from Iowa mean the members of the military or naval forces of the belligerents?

Mr. CUMMINS. That is what I mean.

Mr. HUGHES. There are two classes of interned men in this country. There are those men connected with the steamship lines—

Mr. CUMMINS. They are not interned at all.

Mr. HUGHES. As to the others, I can only say to the Senator that frequently during the course of the European war men belonging to the various belligerents have been forced over the boundary line of other nations, and in that case they immediately become prisoners of war of that neutral nation. One or two cases have occurred where those men escaped. One very noted case was that of an aviator. His friends arranged a very elaborate scheme to escape and enabled him to get to Paris, and thereupon the French Government immediately had him returned and committed to the jurisdiction and control of the neutral government from which he had escaped.

I should say in answer to the Senator's question that the interned are the men from the military or naval forces of any of those belligerents who come into this country, take refuge in this country, and the men who escape must be held as prisoners of war.

Mr. CUMMINS. I assume it must mean, so far as Europe is concerned, an armed ship in one of our harbors which is interned remaining there during the hostilities. Now, what is the status of the men on board?

Mr. SMITH of Georgia. The United States Government, as I understand it, gives them protection, and in return for that right assumes the responsibility of retaining them until the war is over?

Mr. CUMMINS. Retaining them where?

Mr. SMITH of Georgia. In the United States.

Mr. CUMMINS. In the penitentiary?

Mr. SMITH of Georgia. Oh, no.

Mr. CUMMINS. Why not?

Mr. SMITH of Georgia. I do not think so, because they have committed no crime.

Mr. OVERMAN. I do not think so. I think they are required to be kept on the ship.

Mr. CUMMINS. That is what I was trying to find out.

Mr. OVERMAN. And they are to be returned, as this statute provides, to the ship and safely kept there.

Mr. CUMMINS. It does not say so.

Mr. FALL. I think the Senator will find they can be incarcerated at any point, in the discretion of the Executive of this Government and the military authorities of the Government, if it be deemed necessary to incarcerate them. There have been a great many thousand men interned in the United States within the last two years. Some of them have been kept in prison; some of them have been put in jail; some have been placed in stockades; and some have been paroled. A majority of the Germans who were interned upon warships that sought refuge in our harbors and held as prisoners of war have been paroled, we becoming responsible to the other belligerent Governments for their safe-keeping.

Mr. WILLIAMS. Paroled officers, if the officer is willing to take the parole.

Mr. OVERMAN. In the case referred to by the Senator from Iowa, the bill provides that they—

shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct.

That is the case I suppose of interned warships and sailors.

Mr. CUMMINS. I move to strike out the words "for such period of time as the official in charge shall direct."

Mr. OVERMAN. Leaving it indefinite as to how long they shall be kept?

Mr. CUMMINS. Oh, no. Leaving the President of the United States to say when they shall be released. Suppose the war ends, may the official in charge still keep them?

Mr. OVERMAN. I do not think he would keep them.

Mr. CUMMINS. He might not, but I see no reason for giving him the power after that time to keep them.

Mr. NELSON. Will the Senator allow me to suggest that the internment naturally expires when the ground for which they were interned ceases to exist. They were interned because of the existence of war and because they have come into our harbor. When the war condition ceases the ground for their internment ceases and they are entitled to their liberty.

Mr. CUMMINS. That is the very reason I have offered the amendment. I want the term of their confinement to be determined at least by the event of the war and not by the will of the official.

Mr. NELSON. You simply move to strike out those words and insert nothing in their place?

Mr. CUMMINS. It would then read "shall be returned to the place of internment and there confined."

Mr. NELSON. That is indefinite.

Mr. CUMMINS. That is definite enough, is it not?

Mr. OVERMAN. They can only be interned until the President or official in charge shall direct that they shall be discharged.

Mr. CUMMINS. Do you want the official in charge to determine how long they shall be kept?

Mr. OVERMAN. They can not keep them after the war.

Mr. CUMMINS. How do you know? Of course, I know he would not, but why give him any authority to do it?

Mr. FLETCHER. The only official in charge is acting under superior authority. He could not do it unless his superior authority ordered him to keep them. You have got to have some margin as to the length of time they will be kept there or what will terminate the right to their confinement. "Official in charge" is rather indefinite I admit, but it seems to me that it is about the only way you can express it. Of course, the official in charge is acting under higher authority, and when his superior authority ceases to hold them and the cause of their being retained disappears he must give the order for their release.

Mr. CUMMINS. Of course it may not be very important. This whole series of bills is full of attempts to enlarge the power of inferior and subordinate officials.

Mr. FALL. I think, Mr. President, the meaning of this section is that it applies to the attempt to violate their parole by interned prisoners. For instance, when a ship's crew, we will say a German ship's crew, for example, in this country is interned in a certain place, there are certain privileges granted to them under their parole; that they must report at certain times or that they must not go beyond certain limits or that they must not attempt to return to Germany. In the event of a violation of that parole under this section it is the privilege of the officer having charge of those interned to direct the United States marshal or other official to arrest any paroled prisoner violating his parole and to return him to the place of internment, and there the officer who has charge of the interned prisoners can lock him up if necessary. He has the power, in the first place, to confine him in any way necessary to prevent his escape. Having violated his parole, he is brought back there, and he is placed in safe keeping, even if it is necessary to lock him up, and he is kept there until the term of internment expires by the ordinary rules in the event it is necessary.

Mr. CUMMINS. I so understand it; and therefore there is no possible use of the last clause. They are interned, and they escape. Now, no matter whether they have been paroled or not, they escape, and the marshal or other officer arrests them and brings them back. When they are returned, they have the status which they originally had, and no other.

Mr. FALL. They are punished for the violation of their parole by confinement for such period within the terms of their internment as the officer in charge may think necessary; in other words, they may be punished by 5 or 10 days' close confinement.

Mr. CUMMINS. It is just that power that I am not willing to give the officer in charge.

Mr. HUGHES. Mr. President, would this language meet the objection of the Senator from Iowa: Instead of striking out the words suggested by the Senator leave them in down to the word "direct," in line 13, and add "or during the period of internment," so that it would read:

And shall be returned to the place of internment and there confined and safely kept for such period of time as the official in charge shall direct, or during the period of internment.

I think that would meet the Senator's contention.

Mr. CUMMINS. It would not entirely meet it. My idea is that we are dealing with foreign people; they are interned in our country. It has been said they are prisoners of war, and I am willing to accept that, although I do not think they are exactly "prisoners of war." They are allowed certain liberties, certain movements. One of them violates the privilege that has been accorded to him and escapes; and the marshal or the officer of the Army or of the Navy arrests him and brings him back. There he is again in the place of internment. What we are trying to do is to give the official who happens to be in charge of that place of confinement or internment the power to punish such a man in any way that he sees fit, without any review or appeal or hearing.

Mr. OVERMAN. How punish him? I do not understand how the language gives the officer any authority to punish the prisoner.

Mr. CUMMINS. The Senator from New Mexico [Mr. FALL] has just said that you could put the prisoner in a cell to punish him for escaping.

Mr. OVERMAN. No.

Mr. CUMMINS. I think the officer could easily enough do so under this language. I am not so solicitous about these for-

eigners so far as the humanities are concerned; I am not speaking especially for them—

Mr. OVERMAN. I would not consent to that.

Mr. CUMMINS. Although I think it is somewhat uncivilized; but I am concerned in giving power to a subordinate official to commit an act upon a foreign citizen that may be cause for war. That ought not to be done.

Mr. OVERMAN. I do not see any language in the bill that will allow the official to punish anyone because it authorizes him to keep him safely confined for a period of time. Of course, when the war is over, the official can not keep him any longer.

Mr. CUMMINS. The language is, "and there confined and safely kept." How confined?

Mr. OVERMAN. Sufficiently confined to keep him from running away again; that is all.

Mr. CUMMINS. If it is necessary the officer could put him on bread and water and keep him in solitary confinement.

Mr. OVERMAN. I do not think so.

Mr. CUMMINS. It does not say that, but the language is very indefinite.

Mr. OVERMAN. Any officer doing that would himself be subject to being indicted and imprisoned.

Mr. CUMMINS. It is unnecessary to offend the civilized sense of the world in that way, and why should we do it? When we capture a man and bring him back into the place of internment and keep him there—

Mr. OVERMAN. That is all that is authorized.

Mr. WILLIAMS. That is all it says.

Mr. CUMMINS. I do not agree with the Senator from Mississippi upon that.

Mr. NELSON. Mr. President, if the Senator will allow me, the original bill contained the words "closely confined." In the committee we struck out that language, so that it simply means now that the prisoner shall be taken back and confined as he was before, and nothing more.

Mr. BORAH. What would you do with him after you took him back if you did not confine him?

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa what he would think of adding after the word "direct" the words "subject to the approval of the Secretary of the Navy"; so that any such action must be reported to the Secretary of the Navy and must receive the approval of a Cabinet officer, thereby putting under the supervision of a Cabinet officer any treatment that these foreigners might receive?

Mr. FALL. Mr. President, these matters with reference to the treatment of interned prisoners are all covered by the ordinary rules of nations in times of war, and this Government owes a duty not only to the prisoners themselves who are interned but it owes a duty to the belligerents on the other side to see that such prisoners are safely kept.

This Government, if it thinks it necessary, can, in the first place, order interned soldiers or sailors to be closely confined anywhere that it pleases to put them, which the Government thinks is necessary for their safekeeping. Of course, we are supposed to treat them as civilized human beings. In the event that in our discretion we allow these interned soldiers or sailors to be paroled and to be given certain liberties within a certain district upon their word of honor or upon their oath that they will not violate our good treatment, and they do violate it, this simply provides that they may be returned and, in the discretion of the officer having charge of them, that they may be safely kept, he may use such means as are necessary to safely keep them, even if it be incarcerating them in the penitentiary.

Mr. WILLIAMS. Mr. President, it is always well to ask the why of things, in order to determine how far you ought to go. If it were not for this very principle of international law involved here, no neutral country could ever remain neutral in war at all, because the losing belligerent could just cross the border and reorganize, remobilize, rearm, and return to the scene. If they could do that, the successful belligerent would have the right to follow them into the neutral country. To prevent that the law of nations provides that when one of the belligerents shall retreat into a neutral country, then it shall become the duty of the neutral country to prevent them leaving and participating in the war again. The reason of it is that, in consideration of it, the successful belligerent surrenders the right to follow the defeated enemy into a neutral country, and the consideration paid by the neutral country is that it shall keep them until the expiration of hostilities. But for that principle of law, applying it now to the high seas—I have illustrated it on land—one fleet might be following another, and the defeated fleet might take refuge in a harbor of the United States. If it had a right to take refuge there and subsequently come out again, perhaps refitted and equipped, then the other fleet would have a right

to follow it into the harbor, and we would have naval battle between other peoples engaged in a war in which we were not concerned in a United States harbor and within our 3-mile jurisdiction. It is to avoid that that this rule of nations has been established and universally recognized and is maintained. The neutral is under international obligation to receive and keep and hold until the end of a war the armed forces of a belligerent fleeing to its territory or harbors.

The language of the proposed act is:

Shall be returned to the place of internment, and there confined and safely kept for such period of time as the official in charge shall direct.

The Senator from Iowa [Mr. CUMMINS] imagines he can get out of that language that they—the interned belligerents—are in danger to "be put on bread and water." That would be a violation of The Hague conventions and all of the agreements among nations and all of the international law of the world. Nor does the language say anything from which that could be inferred. They shall be "confined and safely kept"; that is all. You do not have to give a man bread and water to safely keep him. You may keep him as safely on beefsteak, if you put him in a place whence he can not escape.

If there is any doubt about it at all it is that somebody might think that we might exceed the proper period of internment, which is the period of hostilities. As a matter of fact, we would not; but if anybody has that sort of a notion it would be well to put after the word "direct" the words "during the period of internment," or "so long as hostilities shall endure."

Mr. CUMMINS. Mr. President, if I may interrupt the Senator, that would make it very much worse, because this is intended, as I now find out—I did not know that until we got into the discussion—to give the official in charge the authority to punish the man who has gone beyond the limits of the place of internment.

Mr. WILLIAMS. If reconfinement and safe-keeping may be called punishment, yes; but no other punishment.

Mr. CUMMINS. Not reconfinement—"confinement."

Mr. WILLIAMS. He was confined before, was he not?

Mr. CUMMINS. Yes; he was.

Mr. WILLIAMS. And if he is confined again it is reconfinement, is it not?

Mr. CUMMINS. No; it is not. When they are originally interned, I take it, they are allowed some liberty of movement; they are interned in a place, and not in a jail; but if one of them violates his privilege, then he is arrested and brought back and the official in charge of that place of internment can then punish him for that violation by confining him, I take it, in some other way than he was originally confined, and safely keeping him.

Mr. WILLIAMS. The official would have to keep him more carefully than at first, else he would escape again. That much is true. As a rule, in the case of sailors the place of internment is their ship, and unless they grossly abused the privilege that would remain their place of internment. Of course, the Government could designate a different place, but for sailors the place of internment is generally a ship, while for an Army it is usually a camp, just as the Belgians now interned in Holland have a camp which is guarded by Dutch troops and from which they can not escape, and if any one of them did escape he would be brought back, and, I suppose, would be put in some closer confinement; but that is all. He could not be punished in any sense except in the sense that a closer and more careful and safer confinement might be called a punishment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 19, lines 12 and 13, it is proposed to strike out the words "for such period of time as the official in charge shall direct."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The Secretary read as follows:

CHAPTER IX.

[S. 6811.]

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

SECTION 1. Whenever, under any authority vested in him by law, the President of the United States by proclamation, or otherwise, shall forbid the shipment or exportation of arms or munitions of war from the United States to any other country, or whenever there shall be good cause to believe that any arms or munitions of war are being, or are intended to be employed or exported in connection with a military expedition or enterprise forbidden by section 13 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," the several collectors, naval officers, surveyors and inspectors of customs, the marshals and deputy marshals of

the United States, and every other person duly authorized for the purpose by the President may seize and detain any arms or munitions of war about to be so exported or employed, and the vessels or vehicles containing the same, and retain possession thereof until released, or disposed of as hereinafter directed.

SEC. 2. It shall be the duty of the person or persons making any seizure under this chapter to apply, with due diligence, to the judge of the district court of the United States for the district within which any such seizure is made, for a warrant to justify the further detention of the property so seized; which warrant shall be granted only on oath or affirmation showing that there is known or probable cause to believe that the property seized is being, or is intended to be, exported, used, or employed in the manner or for the purpose prohibited by section 1 of this chapter; and if said judge shall refuse to issue such warrant, or application therefor shall not be made by the officer making such seizure within a reasonable time, not exceeding 10 days after such seizure, the said property shall forthwith be restored to the owner or person from whom seized. If the said judge shall be satisfied that the seizure was justified under the provisions of this chapter, and issue his warrant accordingly, then the property shall be detained by the person seizing it, until the President, who is hereby expressly authorized so to do, shall order it to be restored to the owner or claimant, or until it shall be discharged in due course of law on petition of the claimant or on trial of condemnation proceedings, as hereinafter provided.

SEC. 3. The owner or claimant of any property seized under this chapter may file his petition in the district court of the United States for the district in which such seizure was made, setting forth the facts in the case; whereupon said court shall advance said cause for hearing and determination, with all possible dispatch, and, after causing notice to be given to the United States attorney for the district and to the person making such seizure, shall proceed to hear and decide whether the property seized shall be restored to the petitioner, or retained by the person who seized the same.

SEC. 4. Whenever the person making any seizure under this chapter shall have applied for and obtained a warrant for the detention of the property, and the owner or claimant shall have filed a petition for its restoration as provided in this chapter, and upon the hearing and determination of said petition restoration shall have been denied, or where such owner or claimant shall have failed to file a petition for restoration within 30 days after the seizure, the United States attorney for the district wherein it was seized, upon direction of the Attorney General, shall institute libel proceedings in the United States district court against said property for condemnation, and if after trial and hearing of the issues involved the property shall be condemned, it shall be disposed of by sale, and the proceeds thereof, less the legal costs and charges, shall be paid into the Treasury of the United States.

SEC. 5. The proceedings in such summary trials upon the petition of the owner or claimant of the property seized, as well as in the libel cases herein provided for, shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such libel cases, and all such proceedings shall be at the suit of and in the name of the United States: *Provided*, That upon the payment of the costs and legal expenses of both the summary trials and the libel proceedings herein provided for, and the execution and delivery of a good and sufficient bond in an amount double the value of the property seized, conditioned that it will not be exported or used or employed contrary to the provisions of this chapter, the court, in its discretion, may direct that it be delivered to the owners thereof or to the claimants thereof.

SEC. 6. Except in those cases in which the exportation of arms and munitions of war is forbidden by proclamation or otherwise by the President, as provided in section 1 of this chapter, nothing herein contained shall be construed to extend to, or interfere with any trade in such commodities, conducted with any foreign port or place where-soever, or with any other trade which might have been lawfully carried on before the passage of this chapter, under the law of nations, or under the treaties or conventions entered into by the United States, or under the laws thereof.

SEC. 7. Upon payment of the costs and legal expenses incurred in any such summary trial for possession or libel proceedings, the President is hereby authorized, in his discretion, to order the release and restoration to the owner or claimant, as the case may be, of any property seized or condemned under the provisions of this chapter.

SEC. 8. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

Mr. CUMMINS. Mr. President, I offer the amendment to section 8 which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to section 8 the following:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war.

Mr. FLETCHER. Mr. President, where is that to be added?

Mr. CUMMINS. To section 8.

Mr. FLETCHER. At the end of that section?

Mr. CUMMINS. At the end of that section.

Mr. President, I have no objection to the use of the Army and Navy in the execution of our laws, if they are not used in such a manner as to constitute an act of war. Before our military forces are used in that way I think Congress ought to give authority for doing it. The Constitution has very wisely reserved to Congress the exclusive authority to declare war; and I am not willing to give the President, by general language, the right to use our military forces in such a way as would be an act of war. This, though not in terms, not technically, would in fact be a declaration of war.

Mr. STERLING. Mr. President, does not the Senator think that the words "as shall be necessary to carry out the purposes of this chapter" limit the power of the President and restrict him to such uses of the land and naval forces?

Mr. CUMMINS. I do not, because if the arms and munitions were on a foreign ship and our Navy were used to capture the foreign ship, and the President were authorized to use

the Navy under such circumstances, that would be carrying out the purposes of the chapter; and I do not want, myself, to give the President the power to use our armed forces to capture the ship of a foreign nation under such circumstances as would make the capture an act of war. That is all my amendment protects us from.

Mr. OVERMAN. Mr. President, the language which is used in this law is exactly the same language that was used in the former statute that was passed during our late unpleasantness with Spain. The President was authorized in a joint resolution passed in 1898 to seize munitions of war; and just the same language is used here that was used there. I do not see how any act of war could be committed by the President in seizing these munitions. Of course, I am as much opposed as anybody to the President having the power, either directly or indirectly, to declare war.

Mr. CUMMINS. Of course, the act to which the Senator refers was a temporary act.

Mr. OVERMAN. Yes; it expired in two years.

Mr. CUMMINS. And it applied to war. This act does not apply to a state of war at all. It applies to peace as well as war; and under it a friendly nation might find its ships seized by one of our naval vessels.

Mr. SMITH of Michigan. Or its citizens.

Mr. CUMMINS. Or, of course, its citizens.

Mr. OVERMAN. Suppose you should limit the President; what would be done?

Mr. CUMMINS. I only exclude the President from those circumstances in which to use the Army and Navy would be an act of war.

Mr. OVERMAN. If he had to seize these munitions, if it was his duty to do so, would he have to call Congress together and get resolutions passed to allow him to make the seizure when he has to seize the munitions to-morrow or the next day? Would he have to come to Congress to get authority?

Mr. CUMMINS. The Senator from North Carolina hardly carries out his first assurance. He said he did not want the President to commit an act of war. That is all that I am protecting the country against. I do not think the President ought to take our fleet and capture a merchant fleet of a friendly nation because that fleet might be transporting munitions of war against a proclamation of embargo. I think that before we are plunged into war Congress ought to act, and my whole proposition is to preserve to Congress that constitutional authority.

Mr. STERLING. Mr. President, I do not believe that a seizure under the circumstances stated by the Senator from Iowa could be interpreted as being an act of war. That act would not be conceived in any hostility at all toward the nation from whose vessel the arms and munitions might be taken. It would not be construed to be an act of war.

Mr. FLETCHER. Mr. President, may I ask to have the amendment stated again?

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 24, line 24, after the word "chapter" and before the period, it is proposed to insert a colon and the following proviso:

Provided, That this shall not authorize the use of such forces at a time or in a manner that would make their employment an act of war.

Mr. CUMMINS. Upon that amendment I ask for the yeas and nays.

Mr. OVERMAN. Mr. President, I do not want to have the yeas and nays called now. I doubt whether we have a quorum. Just let it be put to a viva voce vote. I think it will be carried.

Mr. CUMMINS. No. I believe in this amendment, and I believe it is vital. I am not going to be rushed off my feet by the hysteria that seems to be in the atmosphere.

Mr. SMITH of Georgia. Just accept it.

Mr. CUMMINS. If it is accepted, very well.

Mr. OVERMAN. I say just put it to a vote.

Mr. CUMMINS. Very well. I am perfectly willing to do that, if it is understood that it is to be carried.

Mr. FALL. Mr. President, it is not so understood with me, because I shall very vigorously vote against it and protest against it.

Mr. OVERMAN. I was ready to have a vote taken, but I did not want the yeas and nays called.

Mr. FLETCHER. I suggest that the matter be passed over for the present, and taken up again before we—

Mr. FALL. If it is open for discussion, I want to be heard on it.

Mr. OVERMAN. It is open for discussion. Let us go on and discuss the question.

Mr. FLETCHER. It is very important to finish these bills. We have appropriation bills and the revenue bill to be considered.

Mr. FALL. Mr. President, this is a general subject that is being dealt with in this chapter; and the section which is objected to gives the President of the United States the authority to enforce the law on this general subject. If he does not have any such authority, there is nothing at all to be gained by dealing with the subject generally. From the very fact of his being empowered to use the land and naval forces to enforce the law of the United States here, I can not conceive how he could use them so as not to give an opportunity for any other nation to declare war if it wanted to do so. A declaration of war may be founded on nothing. An act of war may be committed by a neutral; but it does not follow that the act of war should be followed by a declaration of war even upon the part of a neutral.

The whole object of this is to preserve the neutrality of the United States. There are some portions of these consolidated bills, if I may call them such, of which I do not approve, and some portions of them of which I do approve. It has been known for years, Mr. President, that the neutrality of the United States were absolutely defective. It has been well known that they should have been codified and improved to keep up with the times, with the course of nations, with the declaration of London, with the agreements of The Hague tribunal, with the modern rules of law as modified, and that we have not done so.

The very statute of 1912 to which the Senator calls attention followed an old law or resolution which was adopted at the time of the Spanish War, which was not a neutrality statute at all, and still it is called a neutrality statute. Upon that we built in 1912, again, another portion of the neutrality law. The act upon which this resolution of 1912 is based, instead of being a neutrality statute, was a war measure for the protection of the United States, then at war with Spain. It was not a neutrality measure at all.

These are neutrality measures. The United States can not permit the equipping and arming of a vessel within its harbors, for instance, to proceed against another nation with which the United States is itself at peace, without committing an act of war. It becomes the duty of the United States, by whatever means may lie within its power, to prevent the equipping of that expedition, whether by land force or whether by naval force. Otherwise, it gives cause immediately for a declaration of war. If we do not use the proper means to stop a ship which is sailing from one of our ports in violation of our neutrality statutes and the ordinary rules of war, we give cause for a declaration of war against us.

This is simply modifying or getting into proper shape the neutrality laws, filling up the gaps, and providing a method by which the President of the United States can enforce the neutrality laws and keep this country out of war. If a ship sails to sea carrying munitions, or an armed expedition starts from the United States against a country with which this country is at peace, how is the President of the United States going to stop it except by ordering the armed land or naval forces to seize it?

Mr. CUMMINS. Mr. President—

Mr. FALL. Pardon me; just a moment. Now, suppose that in attempting to seize such a ship it becomes necessary for him to sink it, and suppose that the flag of a foreign nation is flying over the ship at that time? Suppose that this expedition, equipped here, chooses to resist the attempt of the President of the United States to perform his duty as a neutral? Suppose that it resists and he sinks the ship? Is that an act of war, when you are firing upon another flag? You prohibit him from going to that length.

Mr. CUMMINS. I will ask the Senator from New Mexico whether it would be an act of war or not?

Mr. FALL. It would be a justification for a declaration of war upon the part of the other nation if she chose so to consider it. The Senator must know that in time of war all ordinary rules by which you judge the ordinary conduct of nations or individuals are done away with.

Mr. THOMAS. Mr. President, let me suggest to the Senator that it would be an act of war if the amendment of the Senator from Iowa became a law.

Mr. FALL. Precisely. The Senator has assisted me very materially in the point which I was attempting to make. Then you are tying the President's hands. You are depriving him of the means with which he can preserve the neutrality of this Government and protect it against a declaration of war by a foreign nation.

I think the Senator on a little more mature reflection will himself conclude that the adoption of his amendment would be

very disastrous. It would be much better—better by far, Mr. President—to reject chapter 9 altogether than to adopt this amendment to it.

Mr. SUTHERLAND. Mr. President, I think it would be unwise to adopt the amendment suggested by the Senator from Iowa. This is a domestic law. We provide by it that when the President has forbidden the shipment or exportation of arms, and an attempt is made to violate the proclamation of the President, he may seize or any person authorized may seize and detain the arms and munitions of war. When that is done, the President is proceeding under the provision of the Constitution which authorizes him to see to it that the laws of the United States are executed. He may call upon any civil force that may be necessary—any number of United States marshals, deputy marshals, or special officers that may be necessary—to execute that law or any other law. Now, because that force may not be sufficient in some given case, we desire to authorize him further, for the purpose of executing a law of the United States, to utilize the Army and the Navy as well as the civil officers, the United States marshals, and their deputies.

How can it be possible that an act of the President in executing, under the terms of the Constitution, a law of the United States can be an act of war? It might result in war, and so might any act of the President; but we must proceed upon the theory that the President in executing the law—this law or any other law of the country—will act discreetly. I think there would be danger of embarrassing him by a provision of this kind. How shall he interpret it? If he finds that he is going to take action that will offend some foreign country and may result in a declaration of war on their part, conceivably he may be justified in going ahead, nevertheless. It is a matter that ought to be left to him, and about which we ought not to attempt in advance to tie his hands.

I think it would be an extremely unfortunate thing to adopt this amendment.

Mr. CUMMINS. Mr. President, I do not get much encouragement for this amendment, and I understand perfectly well the reason. I do not believe that any power could now be proposed for delegation to an Executive that would not receive the approval of a great many people. The argument just made by the Senator from Utah answers itself, as it seems to me. He said that the employment of the Army and the Navy in pursuance of this law would not be an act of war, and I think he is quite right about that in most instances. There is, however, Mr. President, such a thing as an act of war as distinguished from a trespass or an unlawful seizure or a misdirected effort of our civil or military forces.

I am not prepared to define the phrase "an act of war," but it is nevertheless fairly well understood in the literature of the subject. If in order to enforce a law of the United States it becomes necessary for this country to commit an act of war, I think the order of Congress should precede it.

I do not mean, now, an act which may bring about war. There are many things that we may do lawfully which will so provoke another country that the other country may declare war against us. That we can not avoid; but in the execution of our law or in the attempted execution of our law to commit the act of war it seems to me is a situation upon which Congress ought to act. You might just as well say to the sheriff, "If you find it necessary in order to enforce the act, kill your prisoner." Nobody thinks of giving that power to the sheriff, although the sheriff may have power, properly so, in making an arrest to take the life of the prisoner.

Mr. OVERMAN. Does the Senator think that it is any more than the right to protect property?

Mr. CUMMINS. The President has that authority now. He has the authority to summon the posse comitatus to enforce the law.

Mr. OVERMAN. This authorizes him to use the naval forces to carry out the law.

Mr. CUMMINS. He has authority to use the naval forces of the United States to execute the law. Does the Senator from North Carolina dispute that?

Mr. OVERMAN. I think he has the authority to execute the civil law, and that is all this does.

Mr. CUMMINS. No; I can not quite agree with the Senator from North Carolina. If that is all that this does, it would not be an act of war. No one questions the right of the President to use the military forces of the country to preserve the peace. No one questions the right. Do you doubt that? No one questions the right of the President to use a regiment of soldiers that a mail train may move. Do you doubt that?

Mr. OVERMAN. Does the Senator doubt that we have a right to say the President shall enforce the neutrality laws by the Army and Navy?

Mr. CUMMINS. I have no doubt about it whatever; but if the President uses the Army and the Navy in the absence of any statute in prosecuting a war against a foreign nation, then he violates his duty.

Mr. FALL. If the Senator will allow me—

Mr. CUMMINS. I yield.

Mr. FALL. Does not the Senator forget or overlook the distinction between an act of war and a cause for war?

Mr. CUMMINS. No.

Mr. FALL. Does not the Senator think that the Executive of this country can commit an act without an act of Congress that you can call an act of war without giving a cause for war?

Mr. CUMMINS. No; I think he can give a cause for war, but I have supposed that there were certain things that were acts of war and were so recognized in all international obligations. For instance, suppose the President would take our Navy and bombard Habana, I suppose that would be an act of war. What does the Senator from New Mexico think about it?

Mr. FALL. Under certain circumstances it would not be a cause for war as recognized by every international law writer who has ever written on the subject and as recognized by all the tribunals which have ever passed upon the subject. It depends upon the circumstances under which the bombardment is carried on. That constitutes the distinction between an act of war and a cause for war.

Mr. CUMMINS. My amendment does not suggest cause for war.

Mr. FALL. No; but it prohibits the act for war.

Mr. CUMMINS. It prohibits the act of war. I do not want the President of the United States to take our Navy to Habana or anywhere else and bombard a foreign city or capture a foreign ship unless the law in view of the situation authorized him to do it.

Mr. FALL. Yet in the past history of this country the different Executives of this country have done just exactly those things in over fifty instances, without bringing on war and under circumstances which invariably have been declared as not constituting a cause for war.

Mr. CUMMINS. I am not as well versed in this great subject as is the Senator from New Mexico, of course, and he is undoubtedly right about it; but most of those instances are instances that I would have liked to prevent. I have known since my advent into public life the use of our Navy in a way that brought shame to the cheeks of every liberty loving citizen of our country. I am not speaking about this administration more than those which preceded it. I know how we have used the Army and the Navy, and especially the Navy, and so does every reading man. We have used it in a way that if the Nation which was the object of our power were strong enough we would have been at war constantly for the last 16 years; there would have been no moment of peace if the weaker countries in the south had had the military power that Great Britain or Germany has. So far as I am concerned, I do not want the President to use the great strength of our Army and Navy in that way. I can describe it in no better terms than by committing an act of war.

Mr. OVERMAN. I fail to see that he can commit an act of war under this chapter.

Mr. CUMMINS. Then my amendment will do no harm.

Mr. OVERMAN. I think it would.

Mr. GALLINGER. Mr. President—

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I have been detained from the Chamber. I am sorry I have missed this interesting debate. I assume the position the Senator takes, as I have heard it, is that the bombardment of Vera Cruz by our Navy was practically an act of war.

Mr. CUMMINS. It was an act of war, and the President of the United States came to Congress in order to get approval of it.

Mr. GALLINGER. Had it been Germany or Great Britain in place of Mexico, beyond doubt we would have been in war, would we not?

Mr. CUMMINS. Undoubtedly.

Mr. OVERMAN. That has nothing to do with this act at all, to authorize the use of the Navy to maintain neutrality.

Mr. FLETCHER. May I ask the Senator from Iowa a question? Assuming the act to be constitutional, within our right and our power, and a valid act, does the Senator believe the carrying out or the execution of that act could in any event be an act of war?

Mr. CUMMINS. I think so.

Mr. FLETCHER. It seems to me the only possible instance where there could grow out of it an act of war would be in doing something ultra vires, something beyond the power

granted by the act, which might grow and develop into some movement to enforce the act; but have we a right to assume and are we justified in assuming that the President would deliberately commit an act of war?

Mr. CUMMINS. I do not assume that. Mr. President, I am judging this question not by any confidence or want of confidence that I may have in any official. I do not think that it is a good way in which to test the merits of a law to say that it will not be abused by a particular man. Even granting that the present Chief Executive would use the power wisely and discreetly—and I have no doubt that he would—he is not the only President who will have the right to use the power as time goes on. It may be that I am all wrong with regard to what constitutes an act of war. It may be that there is not any difference between the peaceful execution of our power and the warlike execution of our power. If it may be that if we wanted to get back a citizen of the United States who had taken refuge in Germany, we might take our battleships to a German port, capture the port, and take our Army and go into the interior of the country and arrest him and bring him back. According to the view that seems to be held, that would be a perfectly valid thing to do, and we would commit no act of war in doing it, for we have a right to the return of our citizen under existing treaties.

Just so with the exportation of arms upon which an embargo has been laid. We have a right to lay the embargo, and if the law is violated we have a right to punish the person who violates it, and we have a right to capture if we can the vessel or vehicle, whatever it may be, that is bearing the arms away to the forbidden place. But there are circumstances under which we would have no right to take them with our Army and our Navy.

Mr. SMITH of Michigan. They were so circumstanced at Vera Cruz. The Senator will recall that the ostensible object of sending our fleet to Vera Cruz was to prevent the landing of a German ship with arms on board. Admiral Mayo could have taken care of himself and his gunboat without any trouble at all, but our fleet went down there to arrest the delivery of arms and ammunition to a Government with which he was, at least, ill disposed.

Mr. FALL. I wish to ask the Senator from Michigan what he thought of the action of this Government two years prior, or a little more, in bombarding Corinto in Nicaragua?

Mr. SMITH of Michigan. I think it was very reprehensible.

Mr. FALL. I thought the Senator was one of those who advocated that action.

Mr. SMITH of Michigan. No; it was very reprehensible, and I should like to go just a step further. Our Navy has been employed to take away the officials of a friendly Government and imprison them against their will and against the wishes of the Government they represented without any authority whatever of law.

Mr. CUMMINS. Mr. President, I do not profess to be master of the subject of international law, on this phase at any rate, but I do know that if we are to have peace instead of war no executive officer ought to have the right to use our Army and Navy in an act of war without the specific authority of Congress.

Mr. SUTHERLAND. May I ask the Senator from Iowa a question before he takes his seat? We have repeatedly passed laws providing that the President of the United States in the execution of them might utilize the land and naval forces in the execution of our domestic laws. That has been done repeatedly, covering a period of more than a hundred years. Has the Senator in mind any instance whenever any such qualification as he proposed here has ever been put upon one of those provisions?

Mr. CUMMINS. I have no recollection of any such language. The situation, however, was entirely different.

Mr. SUTHERLAND. Let me call the Senator's attention to a few instances, and there is a large number of them. Section 1989 of the Revised Statutes provides that—

It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

That was the title with reference to civil rights.

Now, in another section, 2460, the provision is—

The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Those two instances, it is true, were confined to matters that could not by any possibility involve us with any other nation,

but we have authorized it in dealing with other countries. For example, in section 5288 of the Revised Statutes, there is the following provision:

It shall be lawful for the President or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

There is a statute which was passed in 1818, nearly a hundred years ago, and as I said, there are repeated instances of that kind. It never seems to have been thought necessary heretofore to attach to them any such limitation as the Senator from Iowa presents, and no difficulty has arisen in the past. I can not see myself that there is the slightest danger of any difficulty arising in the future.

Mr. CUMMINS. Mr. President, It might be said that no great difficulty would arise if we would confer all governmental power on the President. I really think at times we would be much better governed if we were not to interpose any authority on the part of Congress. It is rather an obstinate body and not at all certain in its results. But after all, I am afraid of the one-man power, I always have been, and I hope I always will be. I do not intend by my vote or voice to give one man any more authority than is necessary to enable him to fairly and reasonably execute our laws.

The debate has created a doubt in my mind with respect to the phraseology of my amendment, although it has deepened my conviction with regard to its general merit. At this moment I intend to withdraw the amendment, with the consent of the Senate, in order that I may if possible redraft it in more appropriate terms, terms that will be more certain to reach the end I have in view.

Mr. OVERMAN. I have no objection.

Mr. FALL. Mr. President, I suggested a question to the Senator. I think there may be some confusion possibly as to what act of war justifies a declaration of war. I do not think there is any question that it would not be settled by any international law or authority as to the proposition which I am going to advance.

The attack of the naval forces of this country upon Vera Cruz was an act of war, as it was made for a reason that, in my opinion, was a cause of war. Had it been made for the purpose, as I urged upon the Senate that they should so declare, of protecting American citizens, while it would have been an act of war, it would not have been a cause of war. The bombardment of Greytown fifty-odd years ago was an act of war; it was even protested against by Great Britain, under whose protection the Mosquito Coast was at that time; but it was not a cause of war, because it was for the protection of American citizens. It was in pursuance of our duty as a Government to our own people. The marching of the armed forces of the United States into Peking was an act of war; it was not a cause of war. The attack by the naval forces of the United States upon Japan in 1854 was an act of war; it was not a cause of war, because it was in pursuance of our constitutional duty to protect our seamen and our citizens against piratical and unwarranted attacks.

The President of the United States now has a duty to perform in maintaining the neutrality of the United States. Under all the laws of war and under all international law, recognized by every civilized and semicivilized nation, a country such as ours must pursue certain methods to preserve its neutrality or it gives a cause for war to another country. The President of the United States here is authorized to use the naval forces of the United States, if, in his judgment, he thinks it is necessary to preserve the neutrality of the United States. It would be far better that he should go even to the extent of committing an act of war in preserving neutrality, than that he should give a cause for war by failure to preserve neutrality. That is exactly the distinction here.

In the event it were attempted now to arm and to munition a ship for Germany or for Great Britain in one of the ports of this country for use against Germany or Great Britain, as the case might be, and we permitted the arming and the sailing of that vessel, it would be a cause for war upon the part of the nation whose commerce that vessel proposed to harry. If that vessel escapes beyond the 3-mile limit and raises the flag of Great Britain, and the President of the United States, ordering our naval forces to pursue her, fires upon that vessel bearing the flag of Great Britain, he commits an act of war, but he does not give cause for war, because the vessel has violated our neutrality laws, and under ordinary international law pertaining to war and the duty of neutrals; if he did not pursue it but allowed that vessel under the British flag to proceed on its way and to commit any act against Germany, the President

would give cause for war, and a declaration of war on the part of the nation under whose flag the vessel was sailing.

Mr. CUMMINS. Mr. President—

Mr. FALL. I yield to the Senator.

Mr. CUMMINS. Either the Senator from New Mexico or myself totally misunderstands the proposed statute with which we are dealing. It has nothing to do with neutrality. We may forbid the exportation of arms and munitions of war to any other country if we care to do so, but this is not confined to time of war; it is just as operative in time of peace. It does not deal with our neutral obligations, but it deals with a situation in which we have by statute authorized the President to forbid the export of arms and munitions.

Mr. FALL. Mr. President, we may, in any terms that we choose, by statute constitute as a portion of our neutrality laws an embargo act against the shipment of arms and munitions from this country. That would then become, if passed for the preservation of neutrality, a portion of our neutrality statutes. The chapter to which this section 8 is attached is:

To authorize the seizure, detention, and condemnation of arms and munitions of war in course of exportation or designed to be exported or used in violation of the laws of the United States, together with the vessels or vehicles in which the same are contained.

That is exactly what I am speaking of. In 1798 it became necessary for the Congress of the United States to pass a neutrality act to prevent exactly this state of affairs, and we did enact it, and it is still a portion of our law. It has always been defective. We found it so whenever we undertook to enforce it. A vessel sails from New York loaded down with arms. As soon as it gets beyond the 3-mile limit it proceeds to arm itself. It is prepared to do so. It has the guns with which to arm itself and with which to harry the commerce of another nation. Although the vessel when it leaves the harbor may not be armed, if we pass an act prohibiting its sailing with such arms on board as may enable it to arm itself and become a piratical cruiser, how would you enforce the law except by the naval forces of the United States? In the event it raises the flag of a foreign country while we are in pursuit of it, immediately after it has passed beyond our 3-mile limit, and we fire upon it, it is an act of war, but nevertheless we should not allow it to proceed. It should be in the power of the President to catch that vessel as it approaches the port for which it is headed, although he may have to pursue it 3,000 miles across the Atlantic Ocean, because that enables him to keep this great Nation out of war.

These are not war measures; these are measures to preserve the peace; and I had rather place more power in the hands of the President of the United States to preserve the peace of this great Nation than to make war; and if it is necessary for him to commit an act of war, as it is whenever he uses the naval or the land forces of the United States to protect an American citizen, I am thankful, sir, that we have such a history behind us as to justify the Congress of the United States in placing in his hands the weapons with which he should pursue that object. I am grateful to know that the acts of the Presidents of the United States, even without the direct authority here conferred by Congress, have been approved by history and by the people of the United States, and have invariably resulted in the prevention rather than the bringing on of war.

The VICE PRESIDENT. The Chair understands that the Senator from Iowa has withdrawn his amendment.

Mr. OVERMAN. The Senator from Iowa has withdrawn the amendment. I ask now that the reading of the proposed substitute be resumed, and I should like to get through with the reading this evening, if possible.

The Secretary read as follows:

CHAPTER X.

[S. 6794.]

To empower the President to better enforce and maintain the neutrality of the United States.

SECTION 1. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may withhold clearance from or to any vessel, domestic or foreign, which is required by law to secure clearance before departing from port or from the jurisdiction of the United States, or, by service of formal notice upon the owner, master, or person or persons in command or having charge of any domestic vessel not required by law to secure clearances before so departing, to forbid its departure from port or from the jurisdiction of the United States, whenever there is reasonable cause to believe that any such vessel, domestic or foreign, whether requiring clearance or not, is about to carry fuel, arms, ammunition, men, supplies, dispatches, or information to any warship, tender, or supply ship of a foreign belligerent nation in violation of the laws, treaties, or obligations of the United States under the law of nations.

SEC. 2. In case any such vessel shall depart or attempt to depart from its port or from the jurisdiction of the United States without clearance or after receipt of formal notice forbidding its departure as provided in the foregoing section, the owner, master, or other person or persons having charge or command of such vessel shall severally be fined not more than \$10,000 or imprisoned for not more than two years, or both.

SEC. 3. During the existence of a war in which the United States is a neutral Nation, the President, or any person thereunto authorized by him, may detain any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the ports of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, until the owner or master or person having charge of such vessel shall furnish proof satisfactory to the President, or to the person duly authorized by him, that the vessel will not be employed by the said owners or master or person having charge thereof to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of any foreign prince or State, or of any colony, district, or people with which the United States is at peace, and that the said vessel will not be sold or delivered to any belligerent nation, or to an agent, officer, or citizen of such nation, by them or any of them within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

SEC. 4. During the existence of a war in which the United States is a neutral Nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war, or converted from a private vessel into a vessel of war, with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to an agent, officer, or citizen of such nation, or with reasonable cause to believe that the said vessel shall or will be employed in the service of any such belligerent nation after its departure from the jurisdiction of the United States.

SEC. 5. Whoever shall violate or conspire or attempt to violate the provisions of sections 3 or 4 of this chapter shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

SEC. 6. Any vessel which shall be taken, or attempted to be taken, out of the jurisdiction of the United States contrary to the provisions of this chapter, or any provision hereof, shall be forfeited to the United States, together with her tackle, apparel, furniture, equipment, armament, and her cargo.

SEC. 7. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

SEC. 8. The provisions of this chapter shall be deemed to extend to all land and water, continental or insular, in any way within the jurisdiction of the United States.

SEC. 9. The joint resolution approved March 4, 1915, "To empower the President to better enforce and maintain the neutrality of the United States," and any act or parts of acts in conflict with the provisions of this chapter, are hereby repealed; but all offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law or joint resolution embraced in, changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof, may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed.

CHAPTER XI.

[S. 6795.]

To authorize the collector of customs, or other officer duly empowered by the President, during time of war between foreign nations, to inspect private vessels within the jurisdiction of the United States for the purpose of detecting any use or attempted use of such vessel in violation of the law of nations or of the treaties or statute law of the United States, and for other purposes.

SECTION 1. Whenever the President of the United States shall by proclamation or Executive order declare a national emergency to exist by reason of actual or threatened war, insurrection or invasion, or disturbance or threatened disturbance of the international relations of the United States, the Secretary of the Treasury is hereby authorized and empowered to make rules and regulations governing the anchorage and movement of any and all vessels, foreign and domestic, in the territorial waters of the United States, to inspect such vessels at any time, to place guards on such vessels, and, if necessary in his opinion in order to secure such vessels from damage or injury or to secure the observance of the obligations of the United States under the law of nations or to maintain the national defense, he is hereby further authorized and empowered to take full possession and control of such vessels and to remove therefrom the officers and crew thereof and all other persons not specially authorized by him to go or remain on board such vessels.

SEC. 2. It shall be the duty of the owners, agents, masters, persons in charge, officers, and members of the crew of any such vessel to comply with any proclamation or Executive order so issued by the President of the United States and any rule or regulation issued or order given by the Secretary of the Treasury under the provisions of this chapter, and if any such owner, agent, master, or person in charge, officer, or member of the crew of any such vessel shall refuse or fail to comply with any such proclamation or Executive order of the President or any regulation or rule issued or order given by the Secretary of the Treasury under the provisions of this chapter, or shall obstruct or interfere with the exercise of any power hereby conferred, such vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person or persons guilty of such failure, refusal, obstruction, or interference shall be subject to a fine of not more than \$10,000 or to imprisonment for not more than two years, or both.

SEC. 3. It shall be unlawful for the owner or master or other person in charge or command of any private vessel, foreign or domestic, within the territorial waters of the United States, to willfully cause or permit the destruction or injury of such vessel or knowingly to permit said vessel to be used as a place of resort for any person conspiring with another or preparing to commit any offense against the United States, or in violation of the treaties of the United States or of the obligations of the United States under the law of nations, or to defraud the United States, or knowingly to permit such vessels to be used in violation of the obligations of the United States under the law of nations; and in case such vessel shall be so used, with the knowledge of the owner or master or other person in charge or command thereof, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the owner, master, or person in charge or command thereof

shall be fined not more than \$10,000 or imprisoned not more than two years, or both.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as he may deem necessary to carry out the purpose of this chapter.

SEC. 5. The term "United States" as used herein shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

SEC. 6. The several courts of first instance in the Philippine Islands and the district court of the Canal Zone shall have jurisdiction of offenses under this chapter, committed within their respective districts or upon the high seas, and of conspiracies to commit such offenses, as defined by section 37 of the act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, and the provisions of said section, for the purpose of this chapter, are hereby extended to the Philippine Islands and to the Canal Zone.

Mr. OVERMAN. Mr. President, I introduce an amendment and ask that it may be printed in the RECORD and called up in the morning.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Secretary will state the amendment.

Mr. OVERMAN. I rather think, however, that we can pass on it now. I do not think there will be any objection to it.

The SECRETARY. On page 32, line 2, after the word "States" and before the period, it is proposed to insert the following:

Provided, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States.

Mr. OVERMAN. Mr. President, I have here a long letter from the Secretary of War showing the importance of adopting this amendment to give him authority in the matter. I will not take the time to have it read to-night unless some Senator desires to have it read, but ask that it may be published in the RECORD.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the letter will be published in the RECORD.

The letter referred to is as follows:

WAR DEPARTMENT,
Washington, February 12, 1917.

Hon. LEE S. OVERMAN,
Committee on Judiciary, United States Senate,
Washington, D. C.

SIR: My attention has been called to the bill (S. 6795) with reference to regulating the conduct of vessels in the ports and waters of the United States in case of actual or threatened war, insurrection, or invasion, or threatened disturbance of the international relations of the United States, which was reported by you to the Senate with an amendment on the 8th instant.

The amended bill provides that the Secretary of the Treasury shall be authorized and empowered to make rules and regulations governing the conduct of certain vessels in the territorial waters of the United States, and that if any officers in charge of such vessels shall refuse or fail to comply with such regulations or rules, such vessels, together with their tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs-revenue laws. Section 5 of the amended bill provides that the term "United States" as used therein shall include the Canal Zone.

If this bill as it now reads should become a law it would mean that the Secretary of the Treasury would have jurisdiction in the matter of regulating the conduct of vessels in the ports and waters of the Canal Zone. This would be undesirable, as it has always been the policy of the Government that all canal matters should be handled through one head. All legislation for the canal has consistently conferred authority only upon the President of the United States, and has not recognized any department. The Panama Canal act, approved August 24, 1912, and the act approved August 21, 1916, confer certain broad powers upon the President for the maintenance, protection, and operation of the Panama Canal, and already certain Executive orders and regulations have been issued to carry into effect the provisions of these acts. There has, therefore, been a desire evinced in the legislation to control the canal as one unit. It is believed that all canal matters should be centralized under one head, and not divided up for supervision and direction among the different departments, where they might otherwise properly go.

In so far as the continental United States is concerned, the Secretary of the Treasury has an organization which would enable him to enforce the provisions of bill S. 6795. The Treasury Department, however, has no organization in the Canal Zone, and the ports of the Canal Zone, by act of Congress (33 U. S. Stats., 843), are treated as foreign ports. The Governor of the Panama Canal, however, has under his supervision and control an organization which can carry into effect the provisions of the bill in question, to be administered in conjunction with the power already conferred upon the governor to protect and operate the canal. Under these circumstances it is urged that the proposed amendment to the pending bill be amended by inserting a proviso at the end of section 5, line 17, page 5, reading substantially as follows:

Provided, That the Governor of the Panama Canal, with the approval of the President, shall make all necessary rules and regulations to carry into effect the provisions of this act in the territory and waters of the Canal Zone within the jurisdiction of the United States."

I am firmly of the opinion that if the bill is amended as indicated above it will simplify the administration of the same so far as the Canal Zone is concerned, and will also insure better protection of the Panama Canal through absolute coordination of the United States forces.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

[From the Evening Star, Washington, D. C., Tuesday, Feb. 13, 1917.]
GOVERNOR OF CANAL ZONE GIVEN BROAD AUTHORITY—PRESIDENT SIGNS ORDER ACCORDING UNLIMITED POWER IN REGULATING IMMIGRATION THERE.

An Executive order designed to exclude spies and other undesirable persons from the Panama Canal Zone and giving Col. Harding, governor of the zone, virtually unlimited authority in regulating immigration there, has been signed by President Wilson.

The text of the document has not been made public, but it was described to-day as containing broad provisions, under which the governor would be practically unrestricted in preventing entry of persons who "would be a menace to the general welfare."

Provision also is made under which the governor may expel from the Canal Zone and deport therefrom any person convicted of a criminal offense in the grade of felony, or whose presence, in the judgment of the governor, would tend to create public disorder or in any manner impede the prosecution of the work of opening the canal or its maintenance, operation, sanitation, or protection.

The Secretary read as follows:

CHAPTER XII.
[S. 6793.]

To prevent and punish willful injury or attempted injury to, or conspiracy to injure, any vessel engaged in foreign commerce, or the cargo or persons on board thereof, by fire, explosion, or otherwise.

SECTION 1. Whoever shall set fire to any vessel of foreign registry, or any vessel of American registry entitled to engage in commerce with foreign nations, or to the cargo of the same, or shall tamper with the motive power or instrumentalities of navigation of such vessel, or shall place bombs or explosives in or upon such vessel, or shall do any other act to or upon such vessel while within the jurisdiction of the United States, or, if such vessel is of American registry, while she is on the high sea, with intent to injure or endanger the safety of the vessel or of her cargo, or of persons on board, whether the injury or danger is so intended to take place within the jurisdiction of the United States, or after the vessel shall have departed therefrom, or whoever shall attempt or conspire to do any such acts with such intent, shall be fined not more than \$10,000 and imprisoned not more than 10 years.

CHAPTER XIII.
[S. 6796.]

To require sworn statements, in addition to the manifests and clearances required by existing law, by masters of all vessels leaving the jurisdiction of the United States, and by all owners and shippers of cargoes thereon, during a war in which the United States are a neutral nation, and for other purposes.

SECTION 1. During a war in which the United States is a neutral nation, in addition to the facts required by sections 4197, 4198, and 4200 of the Revised Statutes to be set out in the masters' and shippers' manifests before clearance will be issued to vessels bound to foreign ports, each of which sections of the Revised Statutes is hereby declared to be, and is continued in full force and effect, every master or person having charge or command of any vessel, domestic or foreign, whether requiring clearance or not, before departure of such vessel from port shall deliver to the Collector of Customs for the district wherein such vessel is then located a statement duly verified by oath, that the cargo or any part of the cargo is or is not to be delivered to other vessels in port or to be transhipped on the high seas, and, if it is to be so delivered or transhipped, stating the kind and quantities and the value of the total quantity of each kind of article so to be delivered or transhipped, and the name of the person, corporation, vessel, or government, to whom the delivery or transshipment is to be made; and the owners, shippers, or consignors of the cargo of such vessel shall in the same manner and under the same conditions deliver to the collector like statements under oath as to the cargo or the parts thereof laden or shipped by them, respectively.

SEC. 2. Whenever it appears that the vessel is not entitled to clearance or whenever there is reasonable cause to believe that the additional statements under oath required in the foregoing section of this chapter are false, the Collector of Customs for the district in which such vessel is located is hereby authorized and empowered, subject to review by the Secretary of the Treasury, to refuse clearance to any vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port.

SEC. 3. Whoever, after clearance has been refused or notice served as provided in section 2 of this chapter, shall take, or attempt or conspire to take, or authorize the taking of any such vessel, so refused clearance or forbidden to depart, out of the port where clearance was refused, or departures forbidden, shall be fined not more than \$10,000 or imprisoned not more than five years, or both; and, in addition, the vessel, her tackle, apparel, furniture, equipment, and her cargo shall be forfeited to the United States.

SEC. 4. The President of the United States is authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this chapter.

SEC. 5. All offenses committed and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof under any law embraced in or changed, modified, or repealed by this chapter may be prosecuted and punished, and all suits and proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted in the same manner and with the same effect as if this act had not been passed.

CHAPTER XIV.
[S. 6819.]

To provide for the issuance of search warrants and the seizure and detention of property thereunder, and for other purposes.

SECTION 1. Before any search warrant shall issue the officer or person desiring its issuance shall make a written application duly verified by his oath or affirmation to a judge of a United States district court, or to a judge or magistrate of a State, Territorial, or municipal court, or to a United States commissioner for the district wherein the property or papers sought are known or believed to be located setting out the following matters:

(1) The authority under which the applicant seeks to enforce, or assist in enforcing the law of nations, treaty obligation, or statute law of the United States which he alleges has been, is being, or is intended to be violated;

(2) The facts upon which his knowledge, or the grounds of his belief, if his application be based upon belief, that a violation of the law of

nations, or treaty obligations, or statute of the United States as in this chapter provided has been, is being, or is intended to be accomplished; and

(3) As full and particular description of the property or papers sought for, and of the place or places where the same are known or believed to be, as his knowledge or belief will permit, which said description shall recite the general characteristics of the property or papers sought or some fair proportion thereof, with such reasonable particularity as may be sufficient to identify the same when found.

SEC. 2. Upon the making to him of any such application the judge, magistrate, or commissioner to whom the same is addressed shall forthwith consider it and may summon and examine under oath such further witnesses if any as he may deem desirable, or require further affidavits, as the convenience of the case may require; and if the application is based upon knowledge and he shall find that the applicant would be authorized to execute the search warrant, if issued, and that the said application conforms to the requirements of section 1 of this chapter, he shall forthwith issue the same; and if the said application is based upon belief, then the judge, magistrate, or commissioner, as the case may be, shall not only have the power and jurisdiction to inquire into the authority of the applicant to execute the warrant, if issued, and to examine and pass upon the sufficiency of the application therefor, but shall also consider and decide whether there is probable cause to believe that the property or papers described have been, are being, or are intended to be possessed, used, or employed in the manner set out in said application. If he shall decide that the applicant is authorized to have a search warrant issued to him, and that the application is in due form, and further, that there is probable cause for its issuance, he shall forthwith issue such warrant.

Mr. THOMAS. Mr. President, at the end of section 2 I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, line 6, after the word "warrant" and the period, it is proposed to insert the following:

Warrants issued under the provisions of this chapter to enter and search houses, stores, or other structures shall be served, and the house, store, or other structure shall be entered and searched in the daytime only.

Mr. THOMAS. That is conforming to the general law with regard to search warrants.

Mr. OVERMAN. I do not object to that. I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERMAN. Mr. President, I wish to announce the absence of my colleague [Mr. LEWIS] in these proceedings because of continued illness.

The Secretary read as follows:

SEC. 3. Whenever any property or papers shall be seized and detained on a search warrant issued under the provisions of this chapter, the owner or claimant thereof may forthwith file with the judge, magistrate, or commissioner issuing said warrant his petition setting out his title or claim of ownership to or right to the custody of such property or papers, and any other facts legally tending to require restoration of the property or papers to the claimant; whereupon such judge, magistrate, or commissioner, after due notice, not exceeding five days, to the United States attorney for the district and the persons making such seizure, shall proceed to speedily hear and determine the case and order the property or papers restored to the owner or claimant, or shall order the same retained in the custody of the person seizing them to be used as evidence in any case or proceeding, civil or criminal, in which the United States may be interested, or to be otherwise disposed of according to law.

SEC. 4. No search warrant shall issue hereunder to other than a civil, military, or naval officer of the United States duly authorized to enforce or assist in the enforcement of any law thereof, or to a person so duly authorized by the President of the United States.

SEC. 5. Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than \$300 and imprisoned not more than one year.

SEC. 6. All laws and parts of laws inconsistent with the provisions of this chapter of this act are hereby repealed.

The reading of the proposed substitute was concluded.

Mr. OWEN. Mr. President, I wish to propose an amendment which I have suggested to the Senator in charge of the bill.

On page 10, line 9, I move to strike out the word "defeat" and insert the word "influence"; and on line 10 I move to strike out the words "in relation to any dispute or controversy" and insert the words "or any branch thereof," so as to make it read that it is an offense to make a false statement willfully "with a view or intent to influence any measure of, or action by, the Government of the United States or any branch thereof."

Mr. OVERMAN. Mr. President, that can go in the Record, and we will have it before us to-morrow when it comes up.

The PRESIDING OFFICER. Let the amendment be stated.

The SECRETARY. On page 10, line 9, it is proposed to strike out the word "defeat," the first word in the line, and insert "influence," and on line 10 to strike out the words "in relation to such dispute or controversy" and insert "or any branch thereof."

The PRESIDING OFFICER. The amendment will go over until to-morrow, at the request of the Senator from North Carolina.

Mr. RANDELL. Mr. President, I wish to announce to the Senate that immediately upon the conclusion of the consideration of this measure I shall move that the Senate proceed to the

consideration of the flood-control bill, H. R. 14777. I shall press the consideration of that measure.

Mr. FLETCHER. I desire to say, as I have said before, that upon the conclusion of the consideration of this bill I shall ask the Senate to take up the rivers and harbors appropriation bill.

Mr. OWEN. Mr. President, I should like to give notice that upon the termination of the consideration of this bill I shall move to take up the corrupt-practices bill.

The PRESIDING OFFICER. Are there any further announcements?

Mr. SHAFROTH. I wish to announce that at the conclusion of the consideration of this bill, if not before, I shall call up the Porto Rican bill.

RECESS.

Mr. OVERMAN. I move that the Senate take a recess until to-morrow morning at 10.30 o'clock.

The motion was agreed to; and (at 5 o'clock and 52 minutes p. m., Friday, February 16, 1917) the Senate took a recess until to-morrow, Saturday, February 17, 1917, at 10.30 a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 16, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, take us into Thy kind care and lead us by Thy counsels through the turmoil, contentions, and unholy strife which have entered into the world, dethroning reason, robbing men of conscience, making them veritable fiends, rendering life and all its sacred rights void. Interpose, we beseech Thee, Thy holy influence and bring order out of chaos, peace out of war; that brotherly love and good will may prevail, and righteousness have its sway through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 14074. An act granting the consent of Congress to the village of Fox Lake, in the county of Lake, State of Illinois, to construct a bridge across both arms of the Fox River where it connects Pistakee Lake and Nippersink Lake, at a point suitable to the interests of navigation, in the county of Lake, State of Illinois;

H. R. 14471. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 17602. An act granting the consent of Congress to the county commissioners of Polk County, Minn., and Grand Forks County, N. Dak., to construct a bridge across Red River of the North on the boundary line between said States;

H. R. 18550. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18551. An act granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River;

H. R. 18725. An act granting the consent of Congress to Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River; and

H. R. 20574. An act granting the consent of Congress to the county commissioners of Decatur County, Ga., to reconstruct a bridge across the Flint River at Bainbridge, Ga.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18529. An act granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La.; and

H. R. 17710. An act authorizing the construction of a bridge across the Tallapoosa River, separating the counties of Montgomery and Elmore, in the State of Alabama, at a point somewhere between Judkin Ferry and Hughes Ferry.

LEAVE OF ABSENCE.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Idaho [Mr. SMITH] be given leave of absence for three days on account of illness.

The SPEAKER. Is there objection?

There was no objection.

GENERAL DAM BILL.

Mr. ADAMSON. Mr. Speaker, the Senate has sent over the papers in the bill S. 3331, the general dam bill, and has requested a further conference, and I desire to give notice that on Tuesday next, after the reading of the Journal, I shall ask the Speaker to lay that bill before the House.

Mr. MANN. Does the gentleman expect then to move to agree to a conference report?

Mr. ADAMSON. I do not know. I am going to ask the House to pass upon it. We have failed to secure an agreement. The request of the Senate for a further conference, I suppose, ought to be treated courteously and disposed of in some way.

The SPEAKER. The gentleman from Georgia gives notice that on Tuesday next he will call up the general dam bill.

MEMORIAL TO ADMIRAL DUPONT.

Mr. SLAYDEN. Mr. Speaker, I call up Senate joint resolution 205, authorizing the removal of the statue of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection of a memorial to Admiral Dupont in place thereof, now on the Speaker's table. It is word for word the same as House joint resolution 347, which has been reported, and is now on the Union Calendar.

The SPEAKER. The Chair lays before the House Senate joint resolution 205, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the removal of the statue and pedestal and foundations of Admiral Dupont, in Dupont Circle, in the city of Washington, D. C., and the erection in place thereof within the circle of a memorial to said Admiral Dupont: Provided, That the present statue and pedestal may, after the completion of the memorial in place thereof, be turned over to the donors of the memorial for relocation outside the District of Columbia: Provided further, That the site and design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the removal of the statue, pedestal, and foundations and the erection of said memorial, complete: Provided further, That if the erection of this memorial shall not be begun within three years from and after the passage of this joint resolution, the permission granted may, in the discretion of the Chief of Engineers, United States Army, be revoked at any time.

Mr. KING and Mr. MANN rose.

Mr. MANN. Mr. Speaker, I desire to offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting an additional proviso in line 4, page 2, after the word "complete," as follows:

"Provided further, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont."

Mr. GARNER. Mr. Speaker, this resolution is on the Union Calendar, and it occurs to me that the gentleman ought to obtain unanimous consent to consider it in the House as in the Committee of the Whole.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to consider the resolution in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

Mr. KING. I object.

VOCATIONAL EDUCATION.

Mr. HUGHES. Mr. Speaker, I call up the conference report on the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

The SPEAKER. The gentleman from Georgia calls up the conference report on the vocational education bill, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1495).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trade and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same with an amendment

as follows: In lieu of the matter proposed by the House insert the following:

"That there is hereby annually appropriated, out of any money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and teachers of trade, home economics, and industrial subjects, and in the preparation of teachers of agricultural, trade, industrial, and home economics subjects; and the sum provided for in section 7 for the use of the Federal board for vocational education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

"Sec. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is hereby appropriated for the use of the States, subject to the provisions of this act, for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922, the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924, the sum of \$2,000,000; for the fiscal year ending June 30, 1925, the sum of \$2,500,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of \$3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$48,000; for the fiscal year ending June 30, 1919, the sum of \$34,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, the sum of \$18,000; for the fiscal year ending June 30, 1922, the sum of \$14,000; for the fiscal year ending June 30, 1923, the sum of \$11,000; for the fiscal year ending June 30, 1924, the sum of \$9,000; for the fiscal year ending June 30, 1925, the sum of \$34,000; and annually thereafter the sum of \$27,000.

"Sec. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade, home economics, and industrial subjects there is hereby appropriated for the use of the States, for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$750,000; for the fiscal year ending June 30, 1920, the sum of \$1,000,000; for the fiscal year ending June 30, 1921, the sum of \$1,250,000; for the fiscal year ending June 30, 1922, the sum of \$1,500,000; for the fiscal year ending June 30, 1923, the sum of \$1,750,000; for the fiscal year ending June 30, 1924, the sum of \$2,000,000; for the fiscal year ending June 30, 1925, the sum of \$2,500,000; for the fiscal year ending June 30, 1926, the sum of \$3,000,000; and annually thereafter the sum of \$3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1923, nor less than \$10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$66,000; for the fiscal year ending June 30, 1919, the sum of \$46,000; for the fiscal year ending June 30, 1920, the sum of \$34,000; for the fiscal year ending June 30, 1921, the sum of \$28,000; for the fiscal year ending June 30, 1922, the sum of \$25,000; for the fiscal year ending June 30, 1923, the sum of \$22,000; for the fiscal year ending June 30, 1924, the sum of \$19,000; for the fiscal year ending June 30, 1925, the sum of \$56,000; for the fiscal year ending June 30, 1926, and annually thereafter, the sum of \$50,000.

"That not more than 20 per cent of the money appropriated under this act for the payment of salaries of teachers of trade, home economics, and industrial subjects, for any year, shall be

expended for the salaries of teachers of home economics subjects.

"Sec. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects and teachers of trade and industrial and home economics subjects there is hereby appropriated for the use of the States for the fiscal year ending June 30, 1918, the sum of \$500,000; for the fiscal year ending June 30, 1919, the sum of \$700,000; for the fiscal year ending June 30, 1920, the sum of \$900,000; for the fiscal year ending June 30, 1921, and annually thereafter the sum of \$1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of \$5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1919, nor less than \$10,000 for any fiscal year thereafter. And there is hereby appropriated the following sums, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1918, the sum of \$46,000; for the fiscal year ending June 30, 1919, the sum of \$32,000; for the fiscal year ending June 30, 1920, the sum of \$24,000; for the fiscal year ending June 30, 1921, and annually thereafter, the sum of \$90,000.

"Sec. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal board for vocational education in the administration of the provisions of this act. The State board of education, or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board, for the purposes of this act.

"In any State the legislature of which does not meet in 1917, if the governor of that State, so far as he is authorized to do so, shall accept the provisions of this act and name a State board of not less than three members to act in cooperation with the Federal board for vocational education, the Federal board shall recognize such local board for the purposes of this act until the legislature of such State meets in due course and has been in session 60 days.

"Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: *Provided*, That after June 30, 1920, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects, until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade, home economics, and industrial subjects until it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade, home economics, and industrial subjects, as provided for in this act.

"Sec. 6. That a Federal board for vocational education is hereby created, to consist of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the United States Commissioner of Education, and three citizens of the United States to be appointed by the President, by and with the advice and consent of the Senate. One of said three citizens shall be a representative of the manufacturing and commercial interests, one a representative of the agricultural interests, and one a representative of labor. The board shall elect annually one of its members as chairman. In the first instance, one of the citizen members shall be appointed for one year, one for two years, and one for three years, and thereafter for three years each. The members of the board other than the members of the Cabinet and the United States Commissioner of Education shall receive a salary of \$5,000 per annum.

"The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make, or cause to have made, studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and

commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home management, domestic science, and the study of related facts and principles; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

"When the board deems it advisable such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, may be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, may be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, may be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects may be made in cooperation with or through the Bureau of Education.

"The Commissioner of Education may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the chairman of the board to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

"Sec. 7. That there is hereby appropriated to the Federal board for vocational education the sum of \$200,000 annually, to be available from and after the passage of this act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary to the execution and administration of this act.

"Sec. 8. That in order to secure the benefits of the appropriation for any purpose specified in this act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers; and, in the case of agricultural subjects the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 10. Such plans shall be submitted by the State board to the Federal board for vocational education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this act, the same shall be approved. The State board shall make an annual report to the Federal board for vocational education, on or before September 1 of each year, on the work done in the State and the receipts and expenditures of money under the provisions of this act.

"Sec. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade, home economics, and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education. The cost of instruction supplementary to the instruction in agriculture and in trade, home economics, and industrial subjects provided for in this act, necessary to build a well-rounded course of training, shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of the appropriations herein made. The moneys expended under the provisions of this act, in cooperation with the States, for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects, as herein provided, shall be conditioned that such money be expended for maintenance of such training and that for each dollar of Federal money so expended for maintenance, the State or local community, or both, shall expend an equal amount for the maintenance of such training.

"Sec. 10. That any State may use the appropriation for agricultural purposes, or any part thereof allotted to it, under the provisions of this act, for the salaries of teachers, supervisors,

or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal board for vocational education. That in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board as the minimum for such schools or classes in the State; that such schools shall provide for directed or supervised practice in agriculture, either on a farm provided for by the school or other farm, for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board, with the approval of the Federal board for vocational education.

"Sec. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade, home economics, and industrial subjects the State board of any State shall provide in its plan for trade, home economics, and industrial education that such education shall be given in schools or classes under public supervision or control; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board, with the approval of the Federal board for vocational education, as the minimum requirement in such State for education for any given trade or industrial pursuit that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated to any State for the salaries of teachers of trade, home economics, and industrial subjects shall, if expended, be applied to part-time schools or classes for workers over 14 years of age who have entered upon employment, and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such part-time schools or classes shall provide for not less than 144 hours of classroom instruction per year; that evening industrial schools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board, with the approval of the Federal board for vocational education: *Provided*, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board for vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment, in order to meet the particular needs of such cities and towns.

"Sec. 12. That in order for any State to receive the benefits of the appropriation in this act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade, industrial, or home economics subjects, the State board

of such State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes under public supervision or control; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training; and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects and for teachers of trade, industrial, and home economics subjects; that not more than 60 per cent nor less than 20 per cent of the money appropriated under this act for the training of teachers of vocational subjects to any State for any year shall be expended for any one of the following purposes: For the preparation of teachers, supervisors, or directors of agricultural subjects, or the preparation of teachers of trade and industrial subjects, or the preparation of teachers of home economics subjects.

"Sec. 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade, home economics, and industrial subjects, or for the training of teachers as herein provided, any State shall, through the legislative authority thereof, appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursements of all money paid to the State from said appropriations.

"Sec. 14. That the Federal board for vocational education shall annually ascertain whether the several States are using, or are prepared to use, the money received by them in accordance with the provisions of this act. On or before the 1st day of January of each year the Federal board for vocational education shall certify to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board as reimbursement for expenditures already incurred to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this act.

"Sec. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

"Sec. 16. That the Federal board for vocational education may withhold the allotment of moneys to any State whenever it shall be determined that such moneys are not being expended for the purposes and under the conditions of this act.

"If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid it shall be covered into the Treasury.

"Sec. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall, by any action or contingency, be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands, or for the support of any religious or privately owned or conducted school or college.

"Sec. 18. That the Federal board for vocational education shall make an annual report to Congress, on or before December 1, on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State."

And the House agree to the same.

DUDLEY M. HUGHES,
W. W. RUCKER,
CALEB POWERS,

Managers on the part of the House.

HOKE SMITH,
CARROLL S. PAGE,
Managers on the part of the Senate.

STATEMENT.

There were 137 differences in this bill as it passed the House and as it passed the Senate. The Senate receded on 104 of these differences and the House on 33. The bill as it passed the House changed all of the dates in the measure, so that the appropriations will become available one year later than provided in the Senate bill. This change, together with inconsequential changes in verbiage and punctuation, was responsible for a very large part of the differences in the two bills. The House provision, making the first appropriations available in the fiscal year ending June 30, 1918, instead of June 30, 1917, was retained in the bill. There were three important differences in the measures passed by the two Houses—the provision in the House bill that home economics share in the fund provided for the trades and industries, the membership of the Federal board and its assistants, and the requirements for the acceptance of the act by the States.

The measure as it passed the House included the field of home economics in the appropriations under the trade and industrial funds. The Senate receded from its objections to this provision.

As there are six States (Alabama, Kentucky, Louisiana, Maryland, Mississippi, and Virginia) whose legislatures do not meet this year, this fact having been brought to the attention of the conferees by Senators and Representatives from those States, the conferees have endeavored to so shape section 5 of the bill that it will be possible for these States to accept the provisions of this act through their governors until their legislatures shall have had time to act.

The measure as it passed the Senate provided that the Federal board for vocational education be composed of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor, and the board was authorized to select an advisory board of seven members. A number of experts and specialists were also authorized to assist the board.

The measure as it passed the House provided for the appointment by the President of a representative of manufacturing interests, a representative of commercial interests other than manufacturing, a representative of labor, and a representative of agriculture, to act with the United States Commissioner of Education as a board of five to administer the act, and provided for the employment of such assistants as might be necessary.

The provision agreed to by the conferees is a blending of the two proposals, so that the new system is to be linked with the Government by the designation of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education as ex officio members of the board, and the appointment by the President, with the advice and consent of the Senate, of a representative of the manufacturing and commercial interests, a representative of the agricultural interests, and a representative of labor, to act with them as members of the board.

The House receded from its amendments to the bill, which had the effect of merely "authorizing" the appropriations, and the appropriations are definitely made in the bill as reported from conference.

DUDLEY M. HUGHES,
W. W. RUCKER,
CALEB POWERS,

Managers on the part of the House.

Mr. HUGHES. Mr. Speaker, I move the previous question on the adoption of the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. Yes.

Mr. STAFFORD. Other than the change in the conference report providing for direct appropriation rather than authorization of appropriations and for the change of the personnel of the Federal board, will the gentleman inform the House where the bill as agreed to differs from the House bill?

Mr. HUGHES. I will take pleasure in giving the gentleman my understanding of it. I will say to the gentleman that the provision agreed to by the conference is a blending of the two proposals, the proposals of the House and the Senate, so that the new system is to be linked with the Government by designation of the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, and the Commissioner of Education as a member ex officio.

Mr. STAFFORD. I am advised as to that. I have read the statement, but I am inquiring what other changes besides the direct appropriation and change of personnel does the conference report differ from the House bill?

Mr. HUGHES. Well, sir; I wish to say there were 137 differences.

Mr. STAFFORD. But will the gentleman specify the main particulars wherein the conference report differs from the bill as it passed the House?

Mr. HUGHES. There were three. There were three important differences in the measures passed by the two Houses. The provision in the House bill that home economics share in the fund provided for the trades and industries, the membership of the Federal board and its assistants, and the requirements of the acceptance of the act by the States.

Mr. STAFFORD. I wish to inquire particularly whether the amounts appropriated for teachers' salaries differ in any wise in the conference report than in the bill as it passed the House?

Mr. HUGHES. None whatever.

Mr. STAFFORD. And the same restrictions and limitations are carried in the conference report as to the expenditure of this appropriation for salaries as were carried in the House bill?

Mr. HUGHES. Absolutely so.

Mr. STAFFORD. Now, as to the personnel of the Federal board. I notice the civilian members are a minority. Did the conferees consider the question of having the three civilians so as to determine the policy of the board rather than leaving it to these Cabinet officers and the Commissioner of Education to control the policy?

Mr. HUGHES. We certainly considered that and discussed it for 10 days and finally we came to a conference agreement that we adopted, just that which I have read, namely, three—the Secretaries and the Commissioner of Education and three citizens of the United States to be appointed by the President.

Mr. STAFFORD. As to the change in direct appropriation rather than authorization, as carried in the House bill, the gentleman realizes that the conferees have departed from the more or less established policy in providing direct appropriations for these activities when the fact, as apparent from the very reading of the bill, is that the appropriations may not be needed; certainly they will not be needed in the first year's operation, because the appropriations are contingent largely upon the action of the respective States. Will the gentleman inform the House the reason why the conferees agreed to direct appropriations in these respective amounts, which may not be used, rather than leaving to Congress to pass upon and determine from time to time the amounts as in their judgment they thought advisable in carrying out the purposes of the bill?

Mr. HUGHES. The Committee on Education, on the part of the House, has no right to make an appropriation; all that they could do was to authorize an appropriation.

Mr. MANN. Did not the Committee on Education report the bill to the House making direct appropriations, and was it not amended in the House?

Mr. HUGHES. No; we just authorized it, as I understand.

Mr. FESS. The Senate amended it.

Mr. MANN. Of course, the committee had authority to report a direct appropriation, as far as that is concerned.

Mr. STAFFORD. Will the gentleman inform the House why the conferees receded from their position, other than that they did not have authority—though the gentleman from Illinois said they did have authority for it—what is the reason the conferees departed from the established policy of making authorizations and provided for a direct appropriation of the amount?

Mr. HUGHES. We did that from the very fact that we had to make appropriations in order to get the money, and realizing we should have to appropriate the money, when it was put in conference we wanted to correct that mistake—

Mr. STAFFORD. But the gentleman realizes many of these amounts that will be appropriated under this bill will not be used, and in bills of similar character we have merely provided authorization, leaving to Congress thereafter to appropriate the necessary amounts so as to have control of the expenditures in case these funds were wisely and properly expended under the provisions of the enabling act.

Mr. HUGHES. I will say to the gentleman from Wisconsin we had that under discussion and discussed it for 10 days or 2 weeks, and we felt it was wise to strike out the word "authorize" and insert therein "shall be appropriated."

Mr. STAFFORD. Well, the gentleman realizes that Congress surrenders control of the purse strings as to the amounts as carried in this bill by so doing?

Mr. HUGHES. The money has to be appropriated sooner or later and they will not use the money until they are forced to do it and it is required.

Mr. STAFFORD. I think the appropriation would have an effect of getting action and also meet the requirements of the law.

Mr. HUGHES. I will say that the Federal board has authority to control it.

Mr. STAFFORD. Only partially.

Mr. HUGHES. I think absolutely.

Mr. WALSH. Mr. Speaker, I would like to ask the gentleman, or, rather, to direct his attention to the second paragraph of section 16, page 8, of the conference report, which reads as follows:

If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

I would like to inquire if it is purposed to make the Congress of the United States an umpire in controversies between the Federal board of vocational education and the various State boards of education of the Union?

Mr. HUGHES. On what page is that?

Mr. WALSH. It is on page 8 and in the last paragraph of section 16. And to further inquire how this appeal is to be made to the Congress of the United States.

Mr. HUGHES. If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States; and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury. My impression is there was no use of that; but, anyhow, it was insisted that it be placed in this bill from the fact that they could refer this and bring it before the Congress.

Mr. WALSH. Well, how are the State boards going to bring it before the Congress? In what shape?

Mr. HUGHES. The State boards, I apprehend, will not bring it before the Congress.

Mr. WALSH. The gentleman says the State boards may appeal.

Mr. HUGHES. Unless they feel that they have not had the proper consideration by the Federal board. Then, in that event, it is admissible that they should bring it before the Congress.

Mr. WALSH. That is to be done by a bill or a resolution, is it?

Mr. HUGHES. Yes; I think so; undoubtedly.

Mr. MONDELL. Will the gentleman yield?

Mr. HUGHES. Certainly.

Mr. MONDELL. Will the gentleman yield to me two minutes?

Mr. HUGHES. Certainly; yes, sir.

Mr. MONDELL. Mr. Speaker, this conference report will undoubtedly be adopted and ought to be adopted, for the purpose of the bill is good; and yet I think we should not adopt it without some one emphasizing the fact that we are, in making permanent appropriations in the bill, extending a very unwise and, I think, vicious practice, making appropriations of large sums that may not be used, making appropriations which, together with other continuing appropriations, lay heavy burdens about which Congress has nothing to say. In the passing of the years this leads to a condition under which large sums of money in the Treasury may be obligated which may never be used and under which it is impossible for Congress to keep track in a businesslike way of Federal expenditures. It is a most unfortunate, a very unbusinesslike way of legislating and appropriating, in my opinion. If it were possible, if there was any hope of remedying that situation by so doing, the conference report ought to be voted down. I assume there is no hope of remedying that situation, and therefore the conference report will undoubtedly be adopted.

Mr. FESS. Will the gentleman yield for just a moment?

Mr. MONDELL. Yes; but I have only two minutes.

Mr. FESS. The gentleman from Illinois [Mr. MANN] said a moment ago that the original bill made the actual appropriation. At the moment I thought he was mistaken. The original bill as introduced by the commission simultaneously in the Senate and in the House did make the appropriation, but our Committee on Education in making up the bill cut out the appropriation.

Mr. MONDELL. I understand; and after the committee came to consider the matter they felt that was not a wise and proper thing to do, and so they changed the bill?

Mr. FESS. Making an authorization rather than an appropriation.

Mr. MONDELL. In conference the permanent appropriation has been made, unfortunately, and I believe will become the law.

Mr. FESS. Yes; that is the hope.

Mr. BORLAND. Will the gentleman yield to me five minutes?

Mr. HUGHES. All right. I will yield to the gentleman five minutes.

Mr. BORLAND. Mr. Speaker, I want to say in reply to the gentleman from Wyoming [Mr. MONDELL] and the gentleman from Wisconsin [Mr. STAFFORD] that I agree there is not any more vicious system which can be adopted by Congress than a general system of permanent appropriations. To lay aside by a legislative act a certain sum of money arbitrarily each year for a specific purpose, to be expended by some administrative department or some executive officer without any accounting to Congress or any control over it by Congress, or any way of reaching any temporary evils in the expenditure except by repeal of the law, is a most vicious plan. Congress has set its face recently—possibly not recently, but certainly it sets its face now—against a continuance of permanent appropriations. Yet I can not fully agree with the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Wyoming [Mr. MONDELL] in their criticism of this particular bill.

This bill enters upon an entirely different plan of Federal appropriation from what we have been accustomed to. It follows very closely the road law. Whether we ought to cooperate in this way with the States or not is not the question under discussion. We have decided that we will. If we are going to engage in these activities on a half-and-half basis with the States, it is perfectly apparent to my mind that the States must know in advance what they are to count on in the way of Federal aid. And I am unable to see how the State can adjust its own activities to the Federal aid unless it knows that the Federal aid will amount to a definite and fixed sum every year. Now, that is the thing that prevailed in my mind in the road law, and this law follows in a general way the road law. I can not see how the State law is expected to spend its money and to provide the channels and avenues and facilities through which it can be spent and to do the work which is contemplated here, and undertake such a program unless it knows as a matter of certainty what the Federal Government is to appropriate.

Mr. GORDON. Will the gentleman yield?

Mr. BORLAND. In a moment.

Now, suppose it was a matter on each appropriation bill how much Congress would give toward a specific object or possibly how much it would give toward a particular State or perhaps the time when the bill would go into operation which contained the appropriation. I can see how it would be almost fatal to the activities of the State under such a plan.

Now I yield to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. The gentleman does not contend that by any legislation enacted in this bill or in the road law that Congress could not refuse at any time it saw fit to appropriate?

Mr. BORLAND. Certainly Congress could repeal the law or strike out the appropriation. But we are at least to that extent to make an appropriation.

Mr. MONDELL. The gentleman has discussed to some extent what I had in my mind. Does not the gentleman think the States would be reasonably and sufficiently assured under the law which provided for a certain appropriation annually?

Congress would not fail to make the appropriation unless there were some exceedingly good reasons for withholding the appropriation.

Mr. BORLAND. No; I think it gets back to the whole question of whether we ought to cooperate with the States on this half-and-half basis. As I say, that question has been decided, and it is not here for discussion. If we are to cooperate with the States, I think it incumbent upon us to set aside a fixed amount for that purpose; and I do not see how we can vary it from year to year, according to the sentiment of Congress in that year, as to whether any States or any particular State should be spending the money wisely or unwisely. I do not think that will be practicable.

Mr. FESS. Mr. Speaker, I would like to have five minutes.

Mr. HUGHES. I yield, Mr. Speaker, five minutes to the gentleman from Ohio.

The SPEAKER. The gentleman from Ohio is recognized for five minutes.

Mr. FESS. Mr. Speaker, legislation that is not embodied in material results so that we can see it in a concrete way is not very enthusiastically supported in any legislative body, while legislation that is embodied in results that everybody can see appeals to the legislator as well as voter immediately.

Most of our activity here is absorbed in the latter sort. I am going to vote for the national-defense bills, which will entail an expenditure of at least three-quarters of a billion dollars this year, and I will do it without hesitancy. I think that the country is justified in so doing. I need not here specify my reasons for this decision. But here is a bit of legislation that is not destructive, not in the interest of defensive equipment against war or its effects, but constructive. It is enlisting the talents of head and hand as well as of heart and pro-

poses to organize the spiritual forces of the country to ultimately materialize in real achievement. I think it is one of the most important pieces of legislation that this or any other Congress can enact. I believe that in the future years, when the legitimate results of this legislation shall be properly appreciated, the people who have been identified with this constructive legislation will have reason to feel fortunate for the perpetuity of our institutions. It proceeds upon the conviction that the safest, as well as wisest, essentials of a nation's welfare lies in the conservation of the country's spiritual forces. I want to congratulate the chairman of this committee, the Committee on Education, and the House upon the final consummation of this bit of legislation that has been before the country for years, and which is now, I believe, going to receive the almost unanimous support of both sides of the Chamber and from both ends of the Capitol. Long before I came to this body this character of legislation appealed to me. When asked by the President to go upon his Vocational Commission to investigate the needs and possibilities of vocational education, I accepted the honor in the conviction that it offered a great field for good. I now rise to offer this word of congratulation and to express my approval of this legislation that is not material, but constructive, intellectually and spiritually, but which, when measured by the standard of material values alone, is most far-reaching. I congratulate the country that such legislation has met with such universal approval from these two bodies of the American Congress. [Applause.]

Mr. HUGHES. I ask for a vote, Mr. Speaker.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, I would like to have the gentleman from Georgia yield to me five minutes.

Mr. HUGHES. Yes, sir. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, I want to speak on the subject of permanent appropriation. I did think, when this conference report was submitted, that I would do what I could to ask the House to defeat it entirely and send the conferees back and have a conference report come before the House without a permanent appropriation.

The House has always been rather jealous of the power to originate appropriations, and yet, whether it be a provision of the Constitution or not, practically we originate the appropriations. The House does the work about appropriation bills. The Senate performs very necessary functions in regard to legislation, but it does not give the same attention to appropriations of money as the House gives. In recent years we have repealed most of the provisions for permanent appropriations. We used to have a permanent appropriation for the collection of customs dues, something that has to be done, and we repealed that.

Now, in this case the House passed a bill authorizing an appropriation to be made. The Senate had passed a bill making the appropriation. It is probably true and correct to say that the Committee on Education believe that under the rules of the House they had no jurisdiction to appropriate money. But, as a matter of fact, they had jurisdiction over the Senate bill, which was referred to them—full and complete jurisdiction—and they had jurisdiction to report it back making the permanent appropriation. But they advised the House to simply authorize the appropriation, and we followed their advice, and if the gentlemen who are managers of the conference on the part of the House were old and experienced conferees they would be subject to severe criticism for going into conference and yielding this position of the House by not bringing the bill back to the House for consideration.

But I do not think that criticism can be made against the very excellent and honorable gentlemen who compose the conference committee and who are not long-experienced managers of conferences in behalf of the House relating to appropriations. It is true that the House has made and agreed to an appropriation, permanent in character, relating to education. I think there is also a law that was passed relating to educational aid, aid to State universities in the original Morrill Act, and afterwards the additional aid to education, and possibly the Smith-Lever Act. My recollection is that originally these propositions all provided for permanent appropriations, but I am under the impression that we now appropriate all or part of the money to the State universities and the experiment stations. But the original appropriations have run out. I am not sure. But it is the policy of the House. I do not think that any of the conferees on the part of the House ought to go into any conferences hereafter and agree to any permanent appro-

priation not carried in the bill as it passes the House without bringing the matter back to the House to determine. The Senate is not interested. Everybody on the outside who is interested in the proposition wants a permanent appropriation. Of course they do. They want it fixed so that nobody can ever stop the appropriation. We struck it out of the tariff commission bill. We struck it out of every proposition that has come before the House, I think, in recent years, with but two exceptions. It ought to be our policy to keep out the permanent appropriations, and it ought to be the policy of the conferees not to agree to such a proposition without first submitting it to the House. And I say this without intending to reflect at all upon the conferees.

Mr. TOWNER. Mr. Speaker, will the gentleman yield to me?

Mr. HUGHES. Yes; I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. President, I am very sure we are all deeply appreciative of the statement made by the leader on the Republican side. There is no question but that as a general rule his statement about the necessity of the House retaining its jurisdiction over appropriations and the hesitancy that we should always exercise upon making permanent appropriations is correct. I presume all of us approve of that in a general way. I think, however, there can be no criticism of the conferees in yielding to the Senate suggestion that in this case a permanent appropriation is entirely proper from the fact that all appropriations of a like character that have heretofore been made in regard to educational matters, such as the appropriations that have been made to the schools under the Morrill Act and subsequent enactments, and the appropriations that have been made under the provisions of the Lever bill, have been made in that form.

I believe there will be no criticism of this bill by the people of the country. Notwithstanding the extraordinary demands that are being made upon our Treasury at this time, notwithstanding the conditions that confront us, there will be practically universal approval of the passage of this bill. It is not merely because it will advance the general cause of education in this country, but it is because it will meet a specific and long-felt want and defect in our system of education.

To Members who have not given particular attention to the matter I think it will be a surprise to know how the passage of this act is looked forward to. I am frank to confess that I believe it is regarded as of exaggerated importance in many parts of the United States. However that may be, we all know that in these matters it is after all the sentimental, the psychological view that very largely carries movements of this character into successful operation. The fact that it is known that this bill has passed, notwithstanding that the appropriations made therein will be small in the beginning, will be of immense advantage in the cause of vocational education throughout the land. It will not be alone because of the practical operation of the act. We shall find that the States will multiply many times the appropriations that are made by the General Government. As time goes by we shall find that the stimulus we have given to this movement will be of immense value in the development of this branch of education, which makes not only for the intellectual advancement of the people of the country, which makes not only for the economical development of the country, but the passage of this bill will at the same time give to the cause of labor, and those things that make for the development of a sound character and an elevated conception of those vocations which we now denominate as the manual vocations, a dignity and an importance that they have never had hitherto in the minds of the people of the United States. And that, I believe, Mr. Speaker, is a consummation devoutly to be wished. [Applause.]

Mr. HUGHES. I yield to the gentleman from Kentucky [Mr. POWERS] three minutes.

Mr. POWERS. Mr. Speaker, I was one of the conferees on the part of the House, and I want to explain our position with reference to the House bill and the Senate bill in so far as the actual making of the appropriations is concerned.

It is true that the House bill merely authorized the money to be appropriated. The bill as passed the Senate actually appropriated it. The Committee on Education of the House would have recommended the actual appropriation if it had been in our power to do so. The fact that we did not have the power to do so is the reason why it was not done. When we got into the House with our bill we could not ask its modification without modifying our own unanimous report and changing our own bill unanimously reported. We were aware of the fact that the Senate bill had actually appropriated the money. It was not our desire to give up any of the authority and power of the

House in the conference; but since the Senate had done what it had the power to do, and since we could not do what we wanted to do in the Committee on Education, the conferees on the part of the House very gladly consented to having the money actually appropriated rather than authorized.

This is the explanation which I desire to make. [Applause.]

Mr. HUGHES. I yield to the gentleman from Alabama [Mr. ABERCROMBIE] five minutes. [Applause.]

[Mr. ABERCROMBIE addressed the House. See Appendix.]

Mr. HUGHES. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. HUGHES, a motion to reconsider the last vote was laid on the table.

CORRECTION OF A RULING.

The SPEAKER. With the consent of the House, the Chair wants to correct a ruling which he has been intending to do for some time. It will be remembered that during the last session the gentleman from Illinois [Mr. MADDEN] made a motion to reconsider a vote by which unanimous consent was granted in a certain matter. The Chair ruled that the motion to reconsider does not apply to unanimous consent. On subsequent reflection and investigation the Chair is convinced that the ruling of the Chair was incorrect and untenable, and that the motion to reconsider does apply in such cases.

The Chair makes this correction now, when no such controversy is pending, to the end that the former erroneous ruling may not go into the footnotes of the next Manual, to the misleading of Members. [Applause.]

VOCATIONAL EDUCATION.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, and, pending such consideration, I ask for one minute to explain the purpose of the resolution.

The Clerk read the resolution, as follows:

House concurrent resolution 75.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 703) entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," the Secretary of the Senate be, and he is hereby, authorized and directed to strike out the "name" and to insert in lieu thereof the words "designate or create," in the third line of the second paragraph of section 5, as the same appears in the conference report on said bill and amendment.

Mr. OLIVER. Mr. Speaker, this concurrent resolution is introduced with the full consent and approval of the conferees, both of the House and the Senate, on the vocational education bill. Its sole purpose is to make clear the intended meaning of the word "name" as used in line 3, paragraph 2, section 5.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. FESS. Reserving the right to object, have the conferees gone into that?

Mr. OLIVER. Yes; the conferees, both of the Senate and House, are fully agreed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

JUVENILE COURT.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Senate has passed the bill H. R. 8348, known as the juvenile-court bill, with 76 amendments. I ask that the Senate amendments be disagreed to and that we ask for a conference.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

H. R. 8348. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia, and for other purposes."

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take this bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of Kentucky, Mr. HILLIARD, and Mr. TINKHAM.

AUTHORIZING INSURANCE COMPANIES AND FRATERNAL SOCIETIES TO FILE INTERPLEADERS.

Mr. WEBB. Mr. Speaker, I ask that the bill H. R. 12541 be laid before the House for consideration.

The SPEAKER laid before the House the bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader, with Senate amendments.

The Senate amendments were read.

Mr. WEBB. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE CONFEDERATE REUNION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution (S. J. Res. 157), which has for its purpose making provision for the Confederate reunion in the city of Washington.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table Senate joint resolution (S. J. Res. 157).

Mr. MANN. Mr. Speaker, I do not think there will be any objection to the request of the gentleman from Kentucky, but I think we ought to have an opportunity to see what it is, and I hope the gentleman will postpone this, at least until later in the day.

Mr. JOHNSON of Kentucky. Very well, Mr. Speaker. I will withdraw my request for the present.

STATUE OF ADMIRAL DUPONT.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 205. It is the same resolution I had up once before to-day, when objection was made by the gentleman from Illinois [Mr. KING]; but I understand he has since withdrawn his objection.

Mr. KING. Reserving the right to object, I would like to ask the distinguished gentleman from Texas a question or two. Is there any truth in the rumors that come to me that the proposition is to dismantle this statue and erect a memorial which will be more of a memorial to the house of Dupont or the Dupont family than it will be to the admiral?

Mr. SLAYDEN. No, Mr. Speaker; I can say that there is no truth in that rumor, at least so far as I am advised and believe. Of course, I can not tell what is deep in the recesses of the minds of men; but no such thought has been spoken, and I do not think it will be, for it does not exist.

Mr. KING. Who will prepare the memorial?

Mr. SLAYDEN. It will be prepared after competition between the artists; and the bill provides that it shall be approved by the Commission of Fine Arts. I will say to the gentleman that an amendment is contemplated by the leader of the minority [Mr. MANN] providing that the new memorial shall not occupy more space than that now occupied by the statue.

Mr. KING. Will the distinguished gentleman yield for one more question?

Mr. SLAYDEN. Certainly.

Mr. KING. Is there any well-defined plan on the part of the Committee on the Library to dismantle all of the statues in the city of Washington and put in their places memorial fountains?

Mr. SLAYDEN. I will say to the gentleman that the committee has no such purpose in view. Now, Mr. Speaker, I ask that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Texas asks unanimous consent that this resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the resolution has already been read. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amend by inserting an additional proviso, in line 4, page 2, after the word "complete," as follows:
"Provided further, That no greater area in the said Dupont Circle shall be taken for the memorial herein authorized than the small circle now occupied by the statue of Admiral Dupont."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SLAYDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

JOSEPH BEECH.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 208, to grant citizenship to Joseph Beech, and that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of Senate joint resolution 208. Is there objection?

Mr. MILLER of Delaware. Mr. Speaker, reserving the right to object, I will ask the gentleman if this is the same matter about which I spoke to him this morning?

Mr. BURNETT. This same resolution has been reported by the Committee on Immigration and Naturalization. It is for the naturalization of Joseph Beech.

Mr. MILLER of Delaware. Let us have it reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 208) to grant citizenship to Joseph Beech. Whereas Joseph Beech has constantly been under the jurisdiction of the United States since the age of 4 years; and Whereas the said Joseph Beech is not entitled to immediate naturalization under any existing statute; and Whereas the said Joseph Beech is not a citizen of any other Government: Therefore be it

Resolved, etc., That Joseph Beech be, and he is hereby, unconditionally admitted to the character and privileges of a citizen of the United States.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. MILLER of Delaware. Mr. Speaker, reserving the right to object, I want to ask the chairman of the committee a question or two while we have a bill of this character before us. Has it been the policy of the Committee on Immigration and Naturalization to report many of these private naturalization resolutions in this Congress?

Mr. BURNETT. No. As I recollect it, during the 11 or 12 years of my service upon this committee the committee has reported only three.

Mr. MILLER of Delaware. Is this the first one in the Sixty-fourth Congress?

Mr. BURNETT. Yes.

Mr. MILLER of Delaware. There is a similar resolution on the House Calendar?

Mr. BURNETT. Yes. This is the same resolution that is on the Private Calendar.

Mr. MILLER of Delaware. Mr. Speaker, several years ago a Representative from Delaware, Mr. Heald, introduced a private naturalization bill, which went to the Committee on Immigration and Naturalization. I do not think the gentleman from Alabama was then the chairman of it. The resolution was to grant citizenship to a man who was able to fill every particular required by the law except to give the name of the ship on which he came over to this country when he was 2 years old. The records which would have supplied the information were destroyed in the Baltimore fire. That was in 1904. He has been unable to become naturalized because the United States district judge for Delaware refuses to waive that defect. Can the gentleman tell me whether a bill to grant this man naturalization would be now in order under the policy of the committee?

Mr. BURNETT. Mr. Speaker, I know nothing about the bill that the gentleman from Delaware [Mr. MILLER] refers to, but I imagine that the committee thought that the judge improperly decided that case, that it was a highly technical decision, and possibly incorrect. In cases where the committee believes there is any remedy in the courts for naturalization, it has refused to grant it through resolution or bill. In this case Mr. Campbell, the Commissioner of Naturalization, says this man has no chance without staying here five years. He came over from England when he was 4 years old, with his father. He thought his father had become a naturalized citizen. When he was 21 years of age he went off to school and remained until he was 29 years of age. He was a member of the National Guard, and as such took the oath to support and uphold the Constitution of the United States. He never offered to vote because he was sent as a missionary to China by the Methodist Episcopal Church before he had a long enough permanent residence in the place where he and his father lived to entitle him to vote. He stayed in China for many years and is now a teacher in a great university, conducted, I think, under the auspices of the Methodist Episcopal Church. He came back some time ago. His people are in the district of my good friend Mr. McKENZIE, of Illinois. I desire to say here that I never invaded the district of another Member to introduce a bill until he has been consulted. On account of the fact that our committee had jurisdiction of the matter, after consulting with the gentleman from Illinois [Mr. McKENZIE], he said he would be very glad for me to introduce the bill and take charge of it. Mr. Beech is over here and he can not get back. There are only Japanese and English ships going to China, and they will not take him back to his school duties and his duties as a missionary.

Mr. MANN. That is, he can not get his passports?

Mr. BURNETT. They will not take him back without his passports, and he can not get his passports because he is not a naturalized citizen.

Mr. MANN. Mr. Speaker, if the gentleman will yield, I think the amended law covers the case referred to by the gentleman from Delaware [Mr. MILLER].

Mr. MILLER of Delaware. I will say that, as I am informed, the district judge in Delaware refused only a year or so ago to permit the man I have in mind to become naturalized.

Mr. MANN. Then evidently the law does not cover the case. In this particular case, of course this man could get his citizenship papers by remaining continuously in this country for five years, but he is an American teacher in a Chinese university, and I think probably it is more desirable that he go to China to perform his duties than to remain here and wait for five years in order to get his papers. If we do not grant him citizenship papers he can not get back.

Mr. MILLER of Delaware. Mr. Speaker, I withdraw the objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Alabama that the resolution be considered in the House as in the Committee of the Whole?

There was no objection.

The SPEAKER. The question is on the third reading of the joint resolution.

Mr. GREEN of Iowa. Mr. Speaker, I make a formal motion to strike out the last word for the purpose of asking the gentleman from Alabama a question. Is nothing to be done by this man to evince his acceptance of this bill? Would it not be proper to add to it an amendment that he shall take the oath to support the Constitution?

Mr. McKENZIE. He has already done that.

Mr. BURNETT. He took that oath when he became a member of the National Guard. He would have to stay here for five years to enable him to be admitted to naturalization. This resolution is for the purpose of naturalizing him so that he can return to his duties in China.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed.

House joint resolution 364, a similar resolution, was ordered to lie on the table.

Mr. BUCHANAN of Illinois. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BUCHANAN of Illinois. I rise to ask for two minutes in order to make a statement for the purpose of asking unanimous consent to extend a certain editorial in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent for two minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. BUCHANAN of Illinois. Mr. Speaker, I have been convinced and have made the statement that the executive officials who have no power to declare war are usurping the power of Congress if they take steps to lead this country toward war without consulting the Congress. It is admitted by all that Congress only has the right to declare war, therefore for that reason I have taken the position I have in regard to the matter. I also am strongly in favor of a referendum on the question of war, unless it is a question of invasion of our country or an uprising in the nature of a revolution. In other words, I believe that the men who go to the front, who shoulder the guns and whose loyalty and patriotism must be depended upon for the proper protection of the Nation should have a say as to whether or not we should become involved in a war. When war is imminent one should have the courage to stand true to one's convictions in regard to the matter.

The SPEAKER. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Speaker, I ask unanimous consent, therefore, to continue for another minute with a view of asking unanimous consent to insert in the Record an editorial in the New York American of February 14 headed, "The people of the United States alone have the constitutional and moral right to decide war." It is refreshing and encouraging indeed to know a newspaper with a great circulation publishes such strong and able editorials in favor of the people.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection? [After a pause.] The Chair hears none.

The editorial is as follows:

THE PEOPLE OF THE UNITED STATES ALONE HAVE THE CONSTITUTIONAL AND MORAL RIGHT TO DECIDE WAR.

"To the Congress of the United States:

"The people of the United States are strongly opposed to war.

"So are the majority of you, who represent the people.

"And yet we stand tiptoe on the brink of war.

"Senators and Representatives, shall we tell you why the country stands on the crumbling edge of this abyss of war?

"It is because you have not been faithful to your oaths to uphold the Constitution of the United States.

"Senators and Representatives, that is a hard saying, but it is absolutely true.

"The whole world knows that our dispute with the German Government is over two radically different interpretations of international law.

"The Government of Germany contends that a ship carrying cannon and gunners is an armed ship, and that it can be lawfully sunk without warning.

"Our Department of State contends that a ship carrying cannon and gunners declared to be for use in defense is not an armed ship and that to sink it without warning is an offense against the law of nations.

"We all know that submarine warfare is a new thing, concerning which there have been no antecedent agreements or definition of international law.

"Therefore, when this war began to develop the use of submarines to destroy enemy commerce, it was necessary that our Government define what uses of the submarine would constitute an offense against the law of nations and what uses would not be offenses against the law of nations, in the opinion of the United States.

"If the Government of the United States defined the sinking without warning and visit of a ship carrying defensive armament to be an offense against the law of nations, then each case of that kind would become a cause of war.

"If the Government of the United States defined a ship carrying cannon and gunners for defense or offense to be an armed ship, then no case in which such a ship was sunk by a submarine without warning would be a cause of war.

"That clearly and accurately states the situation, does it not?

"Mr. Secretary Lansing first notified all the belligerents that our Government was inclined to hold that a ship carrying armament was armed, and could be lawfully treated as an armed ship by a submarine.

"He subsequently revoked this decision and notified the belligerents that our Government would hold a ship carrying armament for defense only to be an unarmed ship and would consider her treatment as an armed ship by a submarine to be an offense against the law of nations, and that the incidental killing of any American by such an unlawful sinking would be an act of piracy and felony on the high seas which would cause our Government to break off diplomatic relations and seek further redress in its own way.

"This also is a clear and accurate statement of that situation, is it not?

"You agree that it is, do you not?

"Well, then, Senators and Representatives, we impeach you before the high court of your own consciences and charge you before the higher and far more august court of the people of these United States with having openly disobeyed the Constitution of the United States, which you, every one, swore to obey and to uphold when you took your seats in the council chambers of the Nation.

"And we charge and affirm that you have been derelict in your duty, imposed upon you by the Constitution, and that you have, unfaithfully to your sworn obligation, permitted and endorsed the unlawful exercise by a department officer of the sole powers granted to you by the Constitution, and to you alone.

"And we charge and affirm that our country is on the edge of war over a definition of felonies on the high seas and offenses against the law of nations unconstitutionally and unlawfully made by the usurpation of your sole powers by a Cabinet officer, with your illegal and unconstitutional assent.

"For, Senators and Representatives, if our fathers wrote any one grant or prohibition of powers clearly into our Supreme Law, they clearly commanded that you, and you alone, should have the power or exercise the power to define what acts of a submarine are and what are not felonies on the high seas and offenses against the law of nations.

"Article I, section 8, paragraph 10, of the Constitution says:

"The Congress shall have power:

"To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

"And paragraph 11, continuing, says:

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water."

"Now, it is impossible to make language more explicit than that.

"Who is commanded by our supreme law to define how a submarine may attack a ship and how it may not, and whether a ship carrying cannon is an armed ship or not an armed ship, and how it may and may not be sunk without committing a felony on the high seas or an offense against the law of nations?"

"The Congress—you, you Senators and Representatives. And who has performed this sovereign function of Government, solely confided by the Constitution to your hands?"

"Why, Mr. Secretary Lansing has performed that sovereign function."

"And where did he get his authorization to perform a sole function of the Congress?"

"From you?"

"No."

"You could not lawfully delegate that power to him if you tried to. The Constitution affords you no method of stripping yourselves of the sole authority it imposes in you and means you shall solely exercise."

"Neither could you lawfully delegate that power to the President nor to the Supreme Court."

"Mr. Lansing's notification to belligerents that our Government defined and would hold an armed merchant ship to be an armed ship under certain conditions and an unarmed ship under other conditions, and would hold certain submarine acts to be legal and others to be offenses against the law of nations, was a high-handed and impeachable usurpation of the power conferred solely upon yourselves, sitting as the Congress of the United States."

"And when you consent to such a usurpation of your powers you are faithless to your oaths to uphold and maintain and obey the Constitution."

"Consider, now, what has been the result of this dereliction of duty on your part, of this unconstitutional transfer of your authority and powers to a mere department head—a sort of hybrid office created by the Congress, with ill-defined powers and, unfortunately, with a strong tendency among those who occupy it to usurp functions of legislation as well as of administration."

"Without any mandate from you, without even asking your permission, Mr. Lansing has assumed 'to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations,' with the result that we are face to face with war over Mr. Lansing's definitions."

"You, you who are the sole repositories of the powers to define offenses committed on the seas, as well as the only branch of our Government which can lawfully 'regulate captures on land and sea,' and make war—you have sat in your Chambers unconsulted, unheeded, and with as little weight in the serious discussions and decisions which have been influencing the Nation's destiny as the janitors who sweep your Halls."

"You know your people are opposed to Mr. Lansing's persistent policy of leading the country up to war as one of the allies—because that is exactly what Mr. Lansing has hoped to do and has striven to do ever since he was made Secretary of State."

"And yet you do not enforce your people's will."

"You have not even asserted your own rights or protected the dignity of the Congress."

"Now, then, Senators and Representatives, you are that very body of men whom our fathers made a coequal branch of our tripartite constitutional Government and endowed with certain enumerated powers, which you are sworn to obey and to maintain and to hand down to your successors unimpaired."

"And each time you permit either of the other two branches of the Government to usurp your authority and to exercise powers which the Constitution expressly commands you, and you alone, to exercise you betray your trust, imperil our institutions, and threaten the liberties of your children who are to be."

"The Nation has been dragged slowly toward entanglement in this insane European war solely because you have not insisted, and do not even now insist, upon exercising your rightful and sole authority and powers that you are sworn to exercise and commanded to exercise by the supreme, fundamental law of the land—the great charter of free government which our fathers drew up for the protection of the land and its liberties through the ages."

"At this tremendous hour, Senators and Representatives, we appeal to you in the name of the whole American people to resume, manfully and resolutely, your rightful place in the Government."

"The President has come to the end of his constitutional authority with the dismissal of the German ambassador."

"That far he had a perfect right to go, and that is as far as he has any right at all to go."

"From that moment the Constitution clothed you, Senators and Representatives, with the sole power to decide what next shall be done—you, not Mr. Lansing nor even Mr. Wilson, but you, the Congress."

"Now, you should do your duty to your people, like men who know neither fear of enemies abroad nor of demagogues at home."

"And your very first anxiety, and, indeed, your very first effort should be to ascertain the will of the American people."

"The man who tells you that the opinion of the country is united is either a knave or a fool, and you know it."

"There is a wide division of public opinion."

"There are Americans who do not believe that it is either necessary or sensible to involve the country in war with Germany."

"There are Americans who think it is necessary and sensible to go to war with Germany."

"There are Americans who think we have far more just causes of war with England than with Germany."

"There are Americans who think we have no cause of war with England at all."

"There are Americans who think that other Americans who voluntarily embark on belligerent ships and voyage into danger zones have no claim at all to be protected in their foolhardiness."

"There are Americans who would have the country go to war over any American killed, even when on board a belligerent ship armed and carrying tons of ammunition for enemy use."

"There are Americans who think that an armed ship is an armed ship."

"There are Americans who profess to think that an armed ship is not an armed ship."

"Now, upon these questions hangs the issue of peace or war, and since the common people must be the ones to pay for the war, to fight the war, and to endure all the agonies of the war, if war happens, we insist that the common people have a right to be consulted by you, who are their only representatives and their only voice, before they are plunged into war by any vote of yours."

"Therefore we most earnestly urge that you Senators and Representatives order a referendum of these questions to the people themselves, and that the majority of the votes cast in that election be considered binding upon you when you act in your official capacity upon the questions so submitted to the people's decision."

"That you have the power to go to the country for an expression of the people's will is beyond question."

"The Constitution, both by implication and by direction, gives you the power to order and to regulate elections of all kinds."

"The Constitution also expressly recognizes the people as the fountain of all power, including the power of deciding to make war or peace."

"The tenth amendment reads:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

"The tenth amendment was ratified in 1791, so that it is practically an integral part of the original Constitution."

"The Declaration of Independence and the Constitution are rightly construed to recognize the inherent, inalienable right of the American people to instruct their Government to do the will of the people; and, even in emergencies grave enough to justify such an extreme measure, to unite in convention or by referendum to change the forms and the personnel of their Government—a sovereign right which will never be exercised as long as their representatives truly represent them and maintain the time-tried Constitution in its original force."

"It has been urged that the Constitution prescribes no form of holding a referendum election, but that is an ignorant objection."

"The constitutional grant of power to the Congress to do any act presupposes the power of Congress to prescribe the method of performing the act, and the recognition of the reserved sovereignty of the people presupposes the right to prescribe a method of ascertaining the sovereign will."

"You have, Senators and Representatives, the undoubted power to take the suffrages of the American people as a guide to your representative action in this troubled and trying time—and we think that you should do that very thing, both to find sure guidance in your own perplexities and to exhibit to a world being slaughtered and wasted by governmental folly and wickedness a noble example of what free government and representative rule can do for a free people."

"If the people by their ballots decide that armed ships can claim protection as peaceful merchantmen; if they decide that Americans who go abroad and into danger zones must be protected even at the cost of war; if they decide that this Nation should interfere in foreign wars and prescribe the methods by which belligerents may carry on war; if they decide that on these accounts we should declare war upon either belligerent group—why, then, the voice of the majority settles those matters, and we will all make ready for war and go to war, united and willing to fight our best.

"And, on the other hand, if the majority of the people say nay to these propositions, then we should not declare war and should not insist upon the 'rules for captures' and the definitions of 'felonies on the high seas and offenses against the law of nations' which Mr. Lansing has formulated without any authority whatsoever and in direct derogation and impeachable usurpation of the sole functions of the Congress of the United States.

"If the people of the United States do not agree with Mr. Lansing and by their votes say that they are averse to his unauthorized rules and definitions, and that they are opposed to a declaration of war against Germany on that score—why, then, the voice of the majority should settle those matters in that way, and you should refrain from hostile declarations, and we should all keep the peace together as willingly as we should all fight together if the people's verdict was for war.

"Senators and Representatives, is not this good sense, true patriotism, and a right exercise of your representative functions which we now urge upon your consideration?

"You come from the people.

"You are part of the people.

"You are the representatives of the people and the servants of the people.

"Have you any moral right to plunge your people into this dreadful and murderous war without making sure that such is the will of the majority of your people?

"Senators and Representatives, there can be no possible need of haste in declaring war upon any country, especially upon Germany.

"We would, indeed, go into the war just that much better prepared if we used several weeks in discussion and in taking a vote of the people.

"We can see no possible objection to your taking the vote of the American people upon these propositions.

"And we can see, and we think we have presented to you, weighty and powerful reasons why you should take the vote of your countrymen before you put the Nation in a state of war.

"Senators and Representatives, there lies before you the noblest opportunity to show the world the force and authority and beneficence of free government that ever came to any legislative body in all the tide of time.

"You can, if you will, write the most momentous and the most splendid chapter of human history that has ever been written since history began.

"For yourselves you can reassume and emphasize the rightful powers and dignity of your great assembly which have been, most unfortunately, trenched upon and abated by a succession of presidential encroachments, extending over a period of at least 30 years, and which ought to be, and which must be, resisted and nullified if free, representative Government under our great charter is to maintain its vigor.

"For your people you can emphasize their inherent liberty to govern themselves and their immemorial and undoubted right to express their will and to have their will respected and obeyed by their public servants and chosen representatives.

"For mankind, you can do an immense service by holding up to their gaze the fruitful and beneficent results of free government, which is, indeed, our high and rightful mission in the world.

"And upon such a great deed, so nobly and so usefully performed, you can indeed with confidence invoke the same considerate judgment of mankind and the same approval of Divine Providence which our wise and valiant fathers invoked upon the declaration of our liberties and the firm establishment of that Constitution which still remains the supreme law of the Republic, and the most glorious affirmation and protection of orderly freedom that was ever devised by the wit of any of the children of men.

"May that God who guided our fathers and our folk through all the perils and vicissitudes of our past, guide you, too, Senators and Representatives, in this hour of perplexity and danger to find the way in which your people can walk in honor and in peace."

Mr. BUCHANAN of Illinois. I also insert an address by the Rev. Jenkin Lloyd Jones, who has embodied in him that spirit

proclaimed by the Founder of Christianity when he said that "He came that the children of earth might have a more abundant life":

THE UNITED STATES ON TRIAL.

[Address of Jenkin Lloyd Jones at Abraham Lincoln Center, Chicago, on Sunday, Feb. 4.]

"Something has happened this week, something ominous, something tragic. Something that may carry with it floods of tears, oceans of blood, and destroy towers of treasure. I must declare myself in this presence, were it the last word ever given me to speak from this free platform: If war was wrong last week, it will be wrong next week. If it was wrong then to tear human flesh to shreds, to devastate homes and desecrate the ideals of men and of nations, it is wrong now, and it is everlastingly wrong.

"War is still a survival of brute forces. It occurs where spirit has not yet freed itself from the entanglements of things that can be measured, of things that can be weighed. We of the United States for two and a half years have been twiddling our thumbs while Europe was tearing itself to pieces. We have gloated over our increasing prosperity, the profits from our hellish industry of making things that kill. We have sowed the Continent of Europe thick with fragments of shell and bullets stained with human blood. We have filled hospitals with agonized bodies. We have torn homes to pieces. We have planted uncounted acres with human bones. We—I say we—have been sending this devilish stuff over there to do the work of hell, while taking shelter behind some thin, shadowy rag of what we call "international law." Alas, now we are in grave danger of being swept into this fiendish madness which we have witnessed and fostered.

"Do not tell me that there is any 'honor' in trying to avenge the loss of a few petty ships and a limited number of lives by proceeding by conquest and under the guidance of science to sink numberless other ships and destroy numberless other lives on both sides of the fighting line, killing those whose hands are clean of any responsibility. As I interpret spirit, no wrong can be atoned by other wrongs. You can not bring back the lives that are gone by sallying forth to destroy other lives.

"Three great inspirations of war have obtained in what we call civilization. First was the battle for God. Some of the hardest battles of history were devoted to religion; they were for God's sake.

"Then there was the battle for greed, for territory, the love of power. Many millions of lives have been sacrificed in trying to straighten boundary lines between nations which scarcely knew themselves apart.

"Then there comes this other thing we call 'honor'—battle for honor's sake. As if any nation in the light of history could add a star to its crown of glory by proving itself of superior power in killing its neighbors. As if outraged dignity could be assuaged by a systematic slaughter of innocents.

"The United States is now under a panic for 'honor's sake.' This valor for 'honor' threatens to throw us into everlasting dishonor. I have lived through three of these spasms. I remember the dark midnight when, as a boy, I crawled out of bed with the rest of the family because the bigger brother had come home with the awful news that Sumter had been fired upon. I have often traced with you that inspiration, that intoxication, to the bitter end, and found, as everybody now knows, that it was the very, very wrong way of doing the right thing.

"I remember, as most of you remember, that other time when the flags climbed to the highest and fireworks illuminated the cities, that otherwise were torpid and stupid, with the cry, 'Remember the Maine! Remember the Maine! Remember the Maine!' And, remembering the *Maine*, the great Republic was precipitated into a mad, foolish, fruitless war. Our minister to Spain told me with his own lips, and he has repeated it over and over again in public, that if the United States had but let reason rule 48 or 72 hours longer everything would have been accomplished by diplomacy at the capital city of Spain that we succeeded in getting by brutal, merciless, bloody barbarism, including a compensation for the *Maine*, for which Spain never admitted her guilt. It was a mad intensity that led us into that fruitless struggle.

"And now comes this excitement. When pugilists, in the last desperate struggle for conquest, resort to the ultimate expedients of fighters, no longer content to pull at each other's hair or clutch at each other's throats, they forget all the limitations that obtain in the ring and hit anywhere, above or below the belt. We, who sit by, witnessing all these things, seeing this desperate struggle, because our own supposed 'rights' are now invaded a little bit and our commerce is endangered, become en-

raged. Will we dare jump into this ring at this time to add wickedness to wickedness and murder to murder?

"May God help us to reinforce the spirit, that we may carry this diplomatic perplexity to the court of reason, to listen to the impulses of love, and to take a 'quarter of an hour,' nationally speaking, to commune with God and with the voice within. We should go behind that ragged page, born out of expediency and cruelty, the selfishness of formality and precedent, which we call 'international law,' a thing of shreds and tatters at best, born out of a false assumption that the normal relations between nations are those of rivalry and antagonism and not of a community interest.

"Steps may be taken down there at Washington this week which will strike a bloody sword deep into the flesh of this Nation, where a million quivering nerves, deeper than consciousness, bind us to the fatherland over there. It is international vivisection, without cause and without profit, if we look at it even on the external side of things alone. Here our new Germany is summoned to our colors to strike at the heart of the fatherland.

"I have mounted guard on many a weary watch under the direction of a German sergeant. I have divided my rations with and profited by the prowess of 'Fred Schmidt' more than once. I walked afoot while my German lieutenant rode horseback. I saw Carl Schurz, clad in the panoply of war, lead his Eleventh and Twelfth Corps up the bloody side of Missionary Ridge. I saw dear old Col. Matthias, of the 'Fife-th' Iowa, as he used to call it, after the bloody battle of Corinth, dismounting and falling on the logs as he sobbed, 'My boys! My poor boys!'—100 or more of them lying there in one trench. I know of Col. Matthias on the charge. I know of how the boys loved him on the march. He had a reputation for discipline and military usefulness which he brought from his years of training across the sea, but I think of Col. Matthias most tenderly shedding bitter tears over that open grave where his boys were lying—those boys who were so much alive the day before.

"All the United States is quivering with gentle emotions today where divided loyalties are being challenged by the cruel brutality that may declare war with a precipitancy with which no benignant project, national or otherwise, would be entered upon.

"So I stand here to say again that war is wrong, unalterably wrong, an inheritance from the brute, and there is a better way to do it.

"Said a man to me the other day when I was talking to the students of the Lane Technical High School, 'Do you think that your ideals will come true in a thousand years?' I did not wait for the conclusion of his sentence before I exclaimed, 'That is none of my business. I don't know whether it will be a thousand years or five thousand years. I know where I belong, and I know what ultimately will triumph.'

"The time is coming for the United States to decide whether it will ally itself with Christ or with Caesar; whether the law of love can be tried or the law of hate be resorted to.

"Oh, but 'honor! honor!' Honor to the wind where love and right and beauty and humanity are jeopardized. Oh, our country will be valorous on sea or land, if it sallies forth, but it will be a valor allied to cowardice compared to the sublime valor of Calvary, which still waits for a nation to vindicate the Christ as he has been overwhelmingly vindicated in individual lives.

"And so to ease my own soul—not because I thought it could reach the center—I send this telegram to our President, in whom I have trusted and in whom I still have hope:

"Keep us out of war. The incivilities of war-maddened monarchies are no adequate excuse for plunging a great democracy into the same madness. The destruction of a few lives and ships can not be atoned for by sacrificing countless lives and homes. A wrong can not be righted by added wrongs. Our crowning dishonor would be to surrender to the war spirit in this dire crisis of civilization and of our boasted Christianity. Now, if ever, should the choice be made: Is it Christ or Caesar?

"While the blackest, the damndest war is a transient thing and the triumphs of the noblest and greatest of wars are evanescent, still the tides of life are ever onward and upward, and we, God helping us, must go in that direction."

The Rev. Jenkin Lloyd Jones in this address speaks the sentiment of the great masses of the patriotic Americans upon whose loyalty this country must rely if it is involved in war, and who should be consulted before war is declared, so that they may have an opportunity to choose whether they will shoot down their fellow men and be shot down on account of the heads of this Federal administration assuming the responsibility of defining and enforcing an international law upon which there is a great difference of opinion among our greatest international lawyers. I insist that becoming involved in this awful catastrophe and carnage without anything definite to be accomplished should be submitted to a vote of the rank and file of

the American citizens, to whose loyalty and patriotism are due the great achievements of this Republic, whose lives must be sacrificed in case of war, and whose backs will be bent low with the burden of indebtedness which will be created by such a war.

The SPEAKER. The Chair recognizes the gentleman from Alabama [Mr. DENT].

Mr. MONDELL. Mr. Speaker, will the gentleman from Alabama withhold for five minutes to give me an opportunity to address the House?

Mr. DENT. Yes; I will yield to the gentleman.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for five minutes to address the House. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Speaker, in the time granted me I desire to present to the House two memorials adopted by the Fourteenth Legislature of the State of Wyoming relative to legislation pending before Congress. In the early part of this Congress the gentleman from Arizona [Mr. HAYDEN] introduced a bill providing for the establishment of game refuges in forest reservations, one of the provisions of the bill being that those refuges could be established upon approval of the governor of the State. A hearing was had on the bill, at which I appeared and protested against the provisions of the bill. Later another bill was introduced by the same gentleman, H. R. 17381, similar to the first bill, but providing that game refuges could only be established on the approval of the State legislature by joint resolution. Those bills were considered by the Legislature of the State of Wyoming, and the legislature, in house joint memorial No. 1, records its objection to the passage of either of those bills on the ground that their enactment would seriously conflict with the authority of the State in the care, regulation, and preservation of game, and the legislature asks the Congress to refrain from enacting legislation in any way affecting the wild game within the borders of the State. The memorial in full is as follows:

* House joint memorial 1. (Introduced by Mr. Mercer.)

Be it resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That—

Whereas there is before the Congress of the United States a bill for an act to establish game sanctuaries in the national forests, under rules and regulations to be put in force and places to be designated by the President upon recommendation of the Secretary of Agriculture; and Whereas such a bill if enacted into law would seriously conflict with the authority of the State of Wyoming in the care, regulation, and preservation of the game within the borders of said State; and Whereas the State Legislature of Wyoming has for years been particularly careful in providing for the preservation of such wild game by legislation regulating the place, number, and manner in which such game may be killed by sportsmen, so that the said game has increased very materially and its elk herds are now larger than at any time since the preservation of wild game was initiated; and Whereas the contemplated legislation by Congress threatens to interfere with the wise regulations now in force for the grazing of domestic stock upon the forest reserves: Therefore

We, the Senate and House of Representatives of the State of Wyoming, hereby memorialize the Congress of the United States to refrain from enacting legislation in any way affecting the wild game within the borders of our State; and be it

Resolved, That engrossed copies of this memorial be sent to the President of the United States, to the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives in the Congress of the United States from the State of Wyoming, viz, Hon. CLARENCE D. CLARK, FRANCIS E. WARREN, and FRANK W. MONDELL, asking their aid in bringing the object of this memorial before Congress; and be it further

Resolved, That copies of this memorial be sent to each of the governors of the States having national forest reserves within their boundaries, asking their cooperation with the object of this memorial.

The gentleman from Oklahoma [Mr. FERRIS] introduced in the early part of this Congress a bill (H. R. 406) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium. The bill was before the House several days, during which time I called attention to what I considered its objectionable features, and offered a number of amendments, some of which were adopted. The bill is now before the Senate. I desire to present to the Congress enrolled joint memorial No. 1, Senate, Fourteenth Legislature of the State of Wyoming, protesting against the legislation in its present form, and I ask that the memorial be read in my time.

The SPEAKER. Without objection, the memorial will be read. The Clerk read as follows:

Enrolled joint memorial 1.

Be it resolved by the Senate of the State of Wyoming (the House of Representatives concurring) that—

Whereas hundreds of citizens of this State have taken oil placer claims under the oil placer mining act, and have complied with the law in good faith by doing the assessment work required to hold and develop said claims; and

Whereas in many cases these lands have been located and held by prospectors who have expended their time and money for many years in trying to hold and develop these oil placer claims until the conditions and demand for the product would make it possible to operate the same; and

Whereas these lands were located and held under the only law that made it possible for the prospector for oil or gas to acquire the same; and

Whereas these locations were made in good faith and held by the locators before any withdrawal of said lands was made or even contemplated by the Government; and

Whereas there is now before Congress a bill known as the Ferris-Phelan bill, providing for the leasing of all oil and gas lands on the public domain; and

Whereas this bill in its present form would destroy and take from the original locators their vested rights or compel them to defend the same in the courts, causing endless litigation with wealthy oil operators who might seek to deprive them of their legitimate rights; and Whereas it appears the said leasing bill, as now drawn, is in the interest of the large foreign oil companies and against the interests of the original locators and settlers, and is flagrantly unfair and unjust to all original claimants, in that it ignores their rights and permits the land to be leased to any applicant without considering the interests of the original locators: Therefore be it

Resolved, That the Congress of the United States be memorialized to amend said leasing bill to give to all locators who have held the land in good faith and have complied with the oil placer mining law the preferential right to lease the same on the same terms that may be required from any other applicant; and be it further

Resolved, That the bill as now drawn is unjust and unfair, and will, if passed, result in placing all the oil lands of this State in the hands of the large oil companies and operators, and jeopardize the rights of the original locators in claims that have in many cases been held and worked by them for years; and be it further

Resolved, That a copy of this memorial be sent to the Hon. FRANCIS E. WARREN, the Hon. CLARENCE D. CLARK, and the Hon. FRANK W. MONDELL, asking their aid in carrying out the object of this resolution.

J. W. TODD,
President of the Senate.
C. X. JONES,
Speaker of the House.

Mr. MONDELL. Mr. Speaker, our people feel that this bill in its present form does a great injustice to honest, industrious people who, in accordance with law, proceeded to start upon the development of the public lands. I have heretofore protested against the unfair and indefensible provisions of the act in question, and I hope the protest of our legislators will be given full and favorable consideration.

The SPEAKER. The time of the gentleman has expired.

ARMY APPROPRIATION BILL.

Mr. DENT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20783, the Army appropriation bill, with Mr. SAUNDERS in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 20783) making appropriations for the support of the Army for the fiscal year ending June 30, 1918.

Mr. DENT. Mr. Chairman, the gentleman from California [Mr. KAHN] desires to use some time now.

Mr. KAHN. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I was first elected to Congress in 1896. I came into the Fifty-fifth Congress at the special session which President McKinley called as a new Member of the House. There were then some difficulties in Cuba in which the people of the United States were taking a great interest. There was considerable agitation in the United States to have this country in some way intervene or interfere, or whatever it might be, to give Cuba its freedom.

Following the extra session of Congress in 1897, at which session there was more or less agitation on the subject, came the long session, which commenced in December, 1897, and there was, I think, as much excitement in the House in reference to the Cuban situation as I have ever seen in the House during my service on any great public question. When we first talked of war with Spain I laughed at the idea that there was any occasion for this country to get into a war with Spain. After the *Maine* was blown up the feeling in the country apparently became very strongly accentuated, and in course of time we reached the point where we passed a resolution in reference to Cuba, declaring that Cuba was of right free, and so forth, which later led to a declaration of war.

I venture to say that when these things were going on, when war was declared, there was not a single Member of the House who had any thought of the Philippine Islands. Oh, academically speaking, they may have known where the Philippine Islands were. Of course up in the Navy Department they were figuring upon what the Navy could do at any place in the world against Spain if we should have war, but no one here, I think,

dreamed that the war with Spain would have any effect except merely to break Cuba free from Spain, and that that would be the end of it. I think the House at that time was quite determined that the United States should not take and retain possession of Cuba.

Well, I am not going to undertake to discuss what the effect of the War with Spain has been. Almost at the first jump out of the box we were in possession of Manila, and then of the Philippine Islands, and we were told, and have been told many times since, that our whole relationship to the world was modified and materially changed, partly by our taking the Philippine Islands, but certainly as the result of the Spanish War. And I venture to say now that no nation which goes to war can possibly predict to itself what the eventual results will be, whether it is victor or vanquished in the war; that no one can figure out the possibilities, though we may figure out what may possibly happen. But we can not figure the limit.

I do not wish to detain the House very long. On August 18, 1914, just a few days after the war broke out, I made a very short and brief statement to the House, which I am going to read again. I think it was a pat statement then. I am not so sure that it is fully applicable now, though I believe it is worth thinking about. I said:

It seems to me that in this country at this time it is extremely important that everyone in official life, as well as those in private life, should resolve firmly that they will not be carried away with any hysterical emotion or by any partisan feeling for or against either side in this conflict abroad. [Applause.]

I believe that this is an opportunity for America which seldom or never has come before to any nation in the world. The great powers abroad are in deadly conflict. I had hoped and believed even after the war commenced that it would not really commence; but it looks now as though there would be a desperate struggle for existence by these nations engaged in war. There will be many times when complications will arise affecting our interests and our policies.

When men are engaged in a life struggle they are not careful or too particular about the interests of outsiders or about observing the ordinary courtesies or amenities laid down in advance for the control of conflicts. When these occasions arise where we are tempted to become partisan for or against, where we are tempted in order to preserve what we may call our honor to engage in the conflict, let us make up our minds now to keep our minds firm in that determination that this country shall not become under any circumstances engaged in the war on either side.

[Applause.]

I believe the administration under President Wilson will be cool and calm. The danger will come when some American ship may be seized or some American interest may be affected, when people will become excited. It is the duty of all parties in this House and elsewhere, the duty of all good citizens, to stand behind the administration and make the administration feel that its duty to humanity, to civilization, and to the interests of the United States and her citizens is to keep out of the struggle.

[Applause.]

Now, we may be drawn into the struggle. If we are, whatever opinion we may have had in reference to the propriety of being drawn into the struggle will be merged in a universal opinion to stand for the country in what it determines to do. [Applause.] I want to call attention to this: Suppose we become engaged in the European war, and finally there are overtures for peace from one side or the other. If we are a party to the war, we have got to sit in at the final councils. We will have to help to determine the terms of peace, and at once, at one sweep, we will have abandoned the traditional and long-continued policy of the United States to remain supreme on the American Continent and to keep out of the complications of the European Continent. [Applause.] And when we engage in endeavoring to determine the boundary lines of the various nations of Europe, the terms upon which peace shall be made, the guaranties which will be exacted in reference to the small powers of Europe, we will have placed ourselves in a position where it becomes our duty to endeavor to regulate what Bulgaria or Greece or Serbia or Holland or Belgium or Russia or the great or small powers, wherever they may be, shall do. And when we undertake to enter a policy which requires us to interfere in European affairs we can no longer ask or insist upon the traditional policy of the United States that European countries shall keep their hands out of American affairs. [Applause.]

Mr. DIES. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. DIES. I would like to ask the gentleman from Illinois if some nation in Europe involved in this war should bid our peaceful commerce off the sea and declare that we should no longer conduct our commerce in obedience to the laws of nations, does he think we should refuse, in obedience to that request or warning, to declare our rights to commerce?

Mr. MANN. What does the gentleman think?

Mr. DIES. If I make a speech and undertake to tell the American people what to do, I will tell them.

Mr. MANN. The gentleman is asking me a question in order to embarrass me. It is a question he can not answer now, and when he answers it I will answer it. [Applause.] I do not know what position I will take or what position Congress will take when specific cases may arise; but I will say this for myself: I am determined to do everything within my power to keep our country out of the present European war. [Applause.]

Mr. DIES. Will the gentleman yield?

Mr. MANN. I do not yield to the gentleman from Texas. If it becomes necessary for the United States at any time to lick any foreign country, I am willing to join and help do it. [Applause.] I think we ought to keep out of this war if we can, and I am trusting, with hope and faith, that the President of the United States will do everything that he thinks can possibly be done to keep us out of the war. [Applause.]

But I simply rose in the main to excite a little more the attention of the House toward the facts if we get into war. God only knows where it will land this country. I believe that so far as we can it is to our interest to remain the dominant force in the civilization of the American Continent and not to attempt to think that we have the duty of regulating the Old World and its conduct. [Applause.] We do pretty well when we take care of ourselves well. We have a greater burden, which we have not yet very successfully carried, to help protect and take care of the Republics of Central and South America. When we have performed that job to the credit of ourselves and to the interest of those Republics and civilization I think it will be time enough then for us to undertake to regulate the conduct and civilization of the older nations in Europe now engaged in an effort to destroy civilization. I regret it, but I hope we can keep out of it. [Loud applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 14 minutes.

Mr. KAHN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. CRAIG].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. CRAIG. Mr. Chairman and gentlemen of the House, I shall support the bill which is pending before the committee. I regard it not as a war measure but as a great peace measure. I think I am perfectly frank when I say that every member of the Committee on Military Affairs in working on this bill felt that he was working for something which would help keep these United States supreme on this continent, and that instead of appropriating for anything which could cause us any embarrassment with other nations, or draw us into complications with other nations, we were legislating for something which would in a measure, at least, prevent our being drawn into this great conflict which now wages in Europe.

My only regret is that we have not heretofore made such appropriations in our Army bill; that we had not long ago taken up a more definite military policy. Like several of the members of the minority on that committee, I have reserved the right to vote for an increase of appropriations on certain portions of this bill. We do this without criticizing the motives of the majority in their conclusions as to the proper amounts to appropriate. I recognize that these men have worked out these appropriations as they have viewed the situation for the coming year. Some of us want increases here and there, but in a measure I think the bill should meet the expectations of those who want a real military force in this country.

Mr. Chairman, speaking personally just for a moment, about one year ago I severed my connection with the organization of the National Guard of Pennsylvania, with which I had been connected for a period of more than 25 years. I did that with a twofold purpose. First, as the Committee on Military Affairs approached the question of legislating for a federalized National Guard, for pay for the members of the National Guard and the officers of the National Guard, I felt that as a member of the Committee on Military Affairs and as a Member of this House I had no business legislating for something in which I was personally interested. In the second place, I wanted to know and feel just how it was to look at the question of the federalized National Guard from an impersonal standpoint, with what little knowledge I had gained in military science through my short experience. I wanted to know if my opinions on this subject were unduly colored by my association with military organizations; and since that time I believe I have been listening without any prejudice whatever to any argument, and reading on the subject wherever I could find intelligent information, trying to form in my own mind some idea of a proper military policy which would appeal to the people of this country and at the same time give us an effective force with which to maintain our Nation and our institutions.

Now, in this bill we have appropriated for the National Guard as it was federalized by the act of June 3, 1916, and I want to say here that you will find in these hearings that the National Guard which was called into the service of the United States on June 18, 1916, was not the National Guard which was contemplated or was expected to exist under the provisions of the act of June 3, 1916. In other words, the act of June 3 had not gone into effect, so far as the National Guard was concerned. Hence all these criticisms of the National Guard in that call for the border service are based on a wrong conception of what we had to call on when that call of June 18 was made.

Now, although I wish to reply to these criticisms, I also wish to try to distinguish between those criticisms which reflect upon the National Guard as a system and those which criticize the men and the officers and the organization of that federalized National Guard; and in doing this I want to be very slow to criticize what we designate as our Regular Army and the officers of our Regular Army. I want to distinguish between the splendid service which they have rendered as citizens and as officers and the criticisms we may offer to particular branches of the service. I do not want to be understood as condemning our Army or our Army officers. I do believe, however, that this report which was put out by the Division of Militia Affairs, entitled "A report on the mobilization of the Organized Militia and National Guard," is not truly labeled, is not a proper report, and that from it false conclusions have been drawn.

Now, in the first place, this report makes no mention of any particular organization. They gathered facts and figures at random, and if those facts and figures were gathered under the same confusing conditions that existed when these men were being mustered into the service of the United States they are not worth the paper they are written on, because from my own personal knowledge I know that the officers of the Army—the departmental officers—were all at sea as to their respective duties and as to what was actually expected of them. The desks of all the adjutants general of the States were piled up with contradictory orders from Washington and from the different departments. This was not the fault of the National Guard or the fault of the National Guard system, but is traced directly to the lack of a well-defined military system here at the head of the Army.

Now, as to the first of these criticisms, the newspapers of the country naturally took from this report the conclusions which the Army officers did not make, but which their figures were intended to justify. One of these was the statement taken from the figures to be found in the hearings and the testimony of Maj. Gen. Scott, the Chief of Staff, on page 759 of the hearings:

These figures would indicate that 60 per cent of those men who answered the call had no previous military training.

Eminent men and newspapers in this country have scattered this statement abroad as a condemnation of the National Guard. A former Secretary of War pointed this out as one of the damning features of the National Guard a few days ago here in Washington, when, as a matter of fact, the company organizations on the 18th day of June, when the National Guard was called into the service of the United States, were supposed to consist of 65 men to a company, being the peace strength.

The company commanders were directed to recruit these companies up to a war strength of 150 men; and then, strange as it may seem, after they had increased their strength from outside their ranks almost 140 per cent, it was said to be a condemnation of the system under which they work if even 60 per cent of the men who answered the call to arms were found not to have had previous military training. Such arguments as these are childish. They only show the animus back of such an argument.

Another thing was in the matter of the qualifications as to marksmanship.

Mr. HARDY. Will the gentleman yield for a question right along that line?

Mr. CRAIG. Yes.

Mr. HARDY. The gentleman says they were ordered to recruit their companies up to 150 men each.

Mr. CRAIG. Yes.

Mr. HARDY. If they did that, and then only 60 per cent were found to have had previous military training, the gentleman's argument would be accurate.

Mr. CRAIG. Yes.

Mr. HARDY. I sympathize with the gentleman in his position, but what I want to know as a matter of fact is to what extent did they recruit the companies?

Mr. CRAGO. From my knowledge of the facts it ran from 85 men, which was a very low mark for any company, and that was often in the cases of companies where they had only 45 or 50 men when the recruiting was begun, up to 150 men, the maximum, and some companies recruited beyond that and turned their recruits over to other companies. I should say a fair average probably would be from 100 to 125 men, more than enough to account for the percentage which they gave.

Mr. GREENE of Vermont. Is it not also true that at the same time the Regular Army units were on the border with great numbers of recruits themselves, men who had seen no previous military experience and had no military training?

Mr. CRAGO. That is true.

Mr. GREENE of Vermont. And they came in under the resolution providing for an increase of 20,000 men in the Regular Army and subsequently under the first increment under the national-defense act?

Mr. CRAGO. Yes.

Mr. ANTHONY. And is it not also true that many of the companies of the Regular Army were below their war strength?

Mr. CRAGO. Absolutely; and they could not get recruits. The National Guard did get recruits over night. They furnished this Government with almost 140,000 enlisted men, with trained officers to handle them. When the Government could not turn in any other direction, and was absolutely helpless for recruits for the Regular Army, the National Guard furnished the men who were needed. We are told that some of the Regular Army organizations which went to the border and some which went to Vera Cruz had as low as 20 men to the company. I know this is true, that so many officers had been detailed on special duty here in Washington and elsewhere that company after company of the regular units were commanded by second lieutenants, lieutenants of the National Guard, and in some cases noncommissioned officers, not a single commissioned officer being present with his company, because these officers were doing work which could have been done by some clerk at a very small salary. In fact, much clerical work has been done by men holding the rank of captains and majors which should have been done by clerks. I can give you one illustration. They had a garage located near the Pennsylvania division, under the control of the Army, and they had a captain and a first lieutenant to run that garage. You know that no business concern and no business man would advocate a proposition of that kind. A sergeant or a private who was acquainted with that business could have conducted the affairs of that office as well as those men did, and perhaps better. Yet here were men of that high rank taken away from the real service of the Army to do this clerical work which could have been done as well by less expensive and less needed men.

But I was about to speak of the marksmanship of the National Guard, which was complained of. After this increase in the number of the guard by recruiting it was discovered that only 37 per cent of them had been qualified as marksmen. Now, for years the organization with which I have been associated made this ironclad rule that a man could not retain his place in that organization if he did not every year go out on the rifle range and qualify at least as a marksman if not as a sharpshooter or an expert. That applied to every officer and enlisted man.

Now, as to the confusion in the muster and many of the things which happened there I do not care to go into detail. I do know this, that much of the confusion was caused by the lack of coordination of the different departments of the War Department. Men were working seemingly at cross purposes. One case on the border with which I am familiar was where they were building an unloading depot. The railroad was on a pretty good grade and below that was the ground where the goods would have to be moved from the cars. Some one conceived the notion that if they would build the unloading station on a level with the car doors, the goods could be shoved right off the cars, and that would place them about the proper height to load them aboard the wagons, when they were to be transported to their destination and distributed among the troops. Then it was discovered that there was an ironclad regulation which must be adhered to that every unloading depot must be constructed with its floor on the ground and made of concrete. And what did they do? They made a concrete foundation on the ground where everything had to be unloaded down onto it with a great deal of trouble and expense, and then loaded up onto the wagons again instead of doing the sensible thing, which could have been done had there been more elasticity and more good judgment used in making these regulations. In other cases the supplies were stored in places within half a mile of the border, and a whole division depended for its supply of rations and commissary stores kept

in a place which was within sight of the enemy, had there been any enemy.

Now, I think a great mistake has been made in minimizing the experience of these men on the border. The fact that the newspapers of this country have condemned this service has taken a great deal of the pride out of these men who so willingly and so patriotically offered their services when the President thought they were needed. Only the other night, I was glad to hear Maj. Gen. Scott say, the purpose of mobilizing the guard on the border had been accomplished, that prior to that time they were hearing continually of the invasion of our border by the Mexicans, but that since the guard had gone down there he had never heard anything of that kind. The Mexicans thought the only Army we could possibly muster was our small Regular force, and when within a few days' time these volunteer organizations were sent down there it put an entirely different aspect on affairs.

From the report of William A. Mann, brigadier general, General Staff, Chief of Militia Bureau, dated December 19, 1916, I take the following:

Number of members of National Guard transported to the border to date.....	156,414
Strength of National Guard troops in the service of the United States July 31, 1916, on border.....	110,957
In State mobilization camps.....	40,139
Total.....	151,096

This is the condition just 13 days after the call was made.

Concerning this mobilization Gen. Mann speaks as follows:

The mobilization of the National Guard and its dispatch to the border was a great accomplishment, involving a multitude of details and the cooperation of numerous officers, agents and officials, who gave to the task their best efforts. Whatever mistakes were made were those of judgment and not of purpose. Undoubtedly the immediate purpose of the call was attained. It may not be too much to say that the knowledge and experience gained from the mobilization are incidental advantages worth the cost.

Mr. CALDWELL. I hope the gentleman will not forget to comment on the charge that the supplies were improperly used.

Mr. CRAGO. I think that is treated of in the hearings to such an extent that I need not allude to it. It was only a matter of misadministration.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. I gather from the gentleman's remarks that his opinion is that the main trouble with the mobilization was inefficiency on the part of the War Department, whose duty it was to conduct the mobilization, rather than upon part of the men who were serving their country?

Mr. CRAGO. Absolutely; and I think the War Department will admit it. In regard to the matter of clothing and food for the National Guard, this was a duty to be performed by the Government. When the men of these organizations had to stand around, in view of the public, with no clothing except their torn and tattered civilians clothes, it was not a criticism of the National Guard, it was a criticism of the War Department, which had the matter in charge. Some of the men of these organizations were not yet properly equipped when they came home after four or five months' service.

Mr. HARDY. If I understand the gentleman right, that was a criticism of the Army itself, who under the War Department, had the duty in charge.

Mr. CRAGO. I think it would be.

Mr. MANN. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. MANN. Is that wholly a criticism of the Army, or possibly in part a criticism that we ought to take to ourselves, in not having provided the means by which the Army would have these things?

Mr. CRAGO. I will say that I tried to make a suggestion that I was not condemning the individual officers of the Army at this time, and that criticism might apply to former years, but I do not think it did apply to the circumstances as they existed in 1916, because there was no question then about appropriations being available, and in an event of that kind they should have done as they did in many other instances, gone right ahead, secured the supplies, and trusted to a deficiency appropriation.

Mr. MANN. Would it not have been wiser if we had given the money in advance? I am willing to take my share of the criticism.

Mr. KAHN. When the emergency arose in Mexico Congress gave the department every dollar it asked for.

Mr. MANN. When it arose, but not before it arose.

Mr. CRAGO. That was too late to provide and furnish clothing.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. CRAGO. Yes.

Mr. SHALLENBERGER. Is it not a matter of record, before the Mexican situation arose the Quartermaster General came before our committee and testified that they had 350,000 reserve equipments for the Army, and when the trouble came the present officers in command say that they did not have them, but the committee before that was informed that they did have them?

Mr. CRAGO. I believe the gentleman is correct.

Mr. DENT. If the gentleman will yield, as I recollect the testimony from year to year, the Quartermaster General stated that they had a reserve supply sufficient to equip half a million men.

Mr. KAHN. Yes; Gen. Aleshire made that statement to the committee.

Mr. CRAGO. Now, there is a provision of law that the extra equipment to provide uniforms, and so forth, for the National Guard shall be at a central point for instant distribution. For Pennsylvania it was at Philadelphia.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. KAHN. I yield to the gentleman two minutes more.

Mr. CRAGO. The information came to us that instead of the material being available in Pennsylvania, while the boys were at Mount Gretna going around with civilian clothes on, and without any semblance of blankets or uniforms necessary to equip them, it was found that some one had ordered the equipment removed from Philadelphia to the training camp at Plattsburg. We have not yet found out by whose authority they were removed, but I have my own notion about it.

Now, I would like, if I had time, to take up in a brief way some suggestions for further improvements in our military system. I am not entirely satisfied that the federalized National Guard is the best solution of our military policy. Do not understand me as saying so. I believe we will have to study the question, but above all, gentlemen, we must have some system of training which will furnish us with men, which will be acceptable to the people. Instead of meeting and resolving and sitting down to great dinners and discussing the problem, if we will take the trouble to go before the people with some plan which we can back up we can convince the people that some better system is necessary. If we go to the people of this country with a well-digested plan, a democratic plan, by which we may have men and organizations in an emergency, I have faith enough in the people of the country to believe that they will indorse and back it to the limit. [Applause.] To show how business men are interested in this subject I wish to insert in the RECORD as a part of my remarks the resolutions adopted by the Chamber of Commerce of the United States.

NATIONAL DEFENSE.

WASHINGTON, D. C., February 2, 1917.

Resolutions of Chamber of Commerce of the United States.

Whereas, by due action of the Congress and the Senate of the United States, there has been provided legislation for the purpose of insuring military and naval defense for the national security and welfare; and Whereas such appropriations have been made from the public moneys as are necessary to the practical consummation of these definite legislative plans for the national defense; and

Whereas this chamber views with the greatest interest the results which, under the necessities of the condition of modern war, are being achieved in foreign countries through a shattering of century-old precedents and the creation of new and closer relations of cooperative action between governments, governmental departments, and all lines of private industry and service; and

Whereas this chamber can not but give the most serious attention to this trend of events in foreign countries, and view with great concern the commercial as well as the military and naval assets of the future; and

Whereas at the last annual meeting of the Chamber of Commerce of the United States certain specific recommendations bearing upon this subject were respectfully submitted to the President by this body: Now therefore be it

Resolved, That this chamber tender to the President of the United States and to the legislative bodies its deep appreciation of the progress which has been made during the past year in the consummation of vital plans for the adequate defense of this country against invasion. And be it further

Resolved—

First. That this chamber, realizing the absolute necessity of a greatly increased and more practically effective cooperation between our governmental departments and civilian activities and capacities in every line, respectfully urges the active and continuous prosecution of those plans already authorized by law for the attainment of these objects.

Second. That the chamber urges the importance of the following steps:

(a) Development of a definite national plan by the Council of National Defense and action in conformity with this plan by the director of the council.

(b) In order to obtain practical results, it is essential that the rank and standing of the director be on an equality with that of the Chief of Staff of the Army and Chief of Operations of the Navy.

(c) Emphasize the desirability of continuity of service of the director and personnel of his staff.

(d) Provisions that the council, in accordance with the responsibilities of the creating act, shall immediately develop the machinery through which to bring to the aid of the Government the organized

talent and active and potential energies of the Nation "for the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation."

(e) For the maintenance of the public interest and the insurance of the needed civilian cooperation, giving the widest possible publicity to the work and plans of the council.

Third. That the Chamber of Commerce of the United States reaffirms the principle laid down by referendum No. 15 that the basis of supply of Government requirements in war and peace from private sources shall be at a rate of profit so low as to preclude a profit interest in war.

Fourth. That the chamber pledge the unqualified support of the business interests represented within its membership to the Council of National Defense and to the active consummation of its plans.

Fifth. That the Chamber of Commerce of the United States reaffirms its hearty support of the principle of universal military training as laid down in proposal No. 7 of referendum No. 15, and your committee deigns to hope that the Nation generally will be brought to realize that no principle is more in accord with a republican form of government, no doctrine more truly democratic than that which asserts that every able-bodied male citizen owes military service to his country. "The origin of every right is in a duty fulfilled."

I believe all our people will admit there is necessity for some military service. We also admit that our Regular Army can not be maintained at a sufficient strength to carry on even a defensive war. The question then is, Shall we, as a great and powerful Nation, in case of any emergency, send our young men into the service to be slaughtered because of their ignorance of military science, or shall we have our citizens so trained and equipped before trouble does come that they may be able to meet an enemy without a handicap or lack of training, equipment, and experience?

I wish every American citizen would take this subject under consideration without passion and without prejudice. If every citizen would read that splendid book entitled "The American Army," by Maj. Gen. Carter, I believe he would see this question in a new light.

I take the following quotation from this book:

No great nation has ever yet been able to establish and maintain a permanent form of government without an armed power to sustain it. Nations unable or unwilling to defend their rights are accorded scant respect. Helpless peoples ranking with injustice may hold rebellious hearts, but the price of liberty still remains in strong battalions. Treaties are useless without the power available to enforce them. Notwithstanding all the safeguards that a higher civilization may provide, there will continue to come into the life of nations questions which will arouse so deeply the spirit of patriotism and the resentment of a whole people that those who continue the appeal for peace will be cast out as traitors, and those who lead armies and fleets to victory will be heralded as heroes and their deeds commemorated in bronze and marble.

The American Army is, and of a right should be, maintained for the preservation of law and order within our own borders and to prevent aggression wherever floats the flag which in a world-wide journey has not lost its benediction. It is an imperative duty that our military resources shall be organized and nationalized, and that the doctrine of peace at any price shall not be permitted to confuse or retard the execution of that policy.

The greatest thing in life is service; to have served one's country is the highest service. Amid all the foolish arguments of misguided and misinformed persons who think they are preaching peace, but who in reality are teaching anarchy, let us stand for our Nation's safety. Do not let teachers of low maxims of prudence and love of ease, masquerading as lovers of peace, prevail on us to keep our arm feeble. It was not so that Washington survived Valley Forge, or Lincoln won through to Appomattox.

Mr. KAHN. Mr. Chairman, I yield fifteen minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, it is said of old Cato that as he stood in his place from day to day addressing the Roman Senate he always concluded his speech with the familiar expression, as translated by us, "Carthage must be destroyed."

Cato was undoubtedly a patriot, and perhaps in regard to this particular hobby something of a nuisance. He saw what seemed to him the greatest menace to the safety of Rome and persistently thundered against it. Being, as I believe, a patriot, and desiring above all things else the safety and welfare of my country, I am going to take the risk of being also a nuisance if I may thereby impress one point which to my mind is not only important but absolutely essential in any adequate scheme of preparedness for national defense.

The greatest danger that old Cato saw was the rising power of the rival city of Carthage. In a world where might made right, if Carthage became the more powerful city, then Rome must suffer accordingly. No danger of that sort confronts us, but I do see a real danger that has not received the attention it should receive; in fact, is not generally realized by the people of this country. I refer to our shortage of arms and ammunition and the difficulty of securing them in sufficient quantities in case we should be called upon to face a great emergency. I not only point out the danger, which should be patent to every well-informed person, but I also point the way to an adequate and comparatively inexpensive remedy.

I have here to-day a number of articles, simply as illustrations of the subject matter of my remarks. In addition to the rifle, shrapnel, and time fuses, I have also a number of sample limit gauges. I am not going to explain the use of all of them, but simply give a general idea of the necessity for the appliances of which these are examples. You will note that one of these gauges is a large, yet delicate, complicated, and expensive affair. All of them and a hundred times as many would be necessary to turn out time fuses in quantities.

For more than a year I have urged the vital importance of this subject. Just about a year ago I stood on this floor and made the first speech on this subject in this House. I have made two or three more on the same subject since that time, and I promise you that until we have made further progress than we have thus far made in that direction I shall continue from time to time to make other speeches along the same line as I may believe they will be of service. In the national defense act of June 3, 1916, there was embodied an amendment introduced by me which authorized the procurement of gauges, dies, jigs, and other special appliances necessary in the manufacture of arms and ammunition. In the Army appropriation bill that followed, approved August 29, 1916, there was an appropriation of \$450,000, as I recall, to purchase these appliances for the manufacture of small arms for the entire Army and of artillery ammunition for the National Guard. The fortification bill carried a million dollars for the same purpose to provide artillery ammunition for the Regular Establishment. Some progress has been made in the expenditure of these appropriations, but the difficulties are considerable and progress correspondingly slow.

The question of possible war at the present time is a grave one. Let us squarely face the situation that would confront us in case such an awful calamity should befall this country. What would be our greatest need if war came to-morrow of such magnitude as to require an army of only 2,000,000 men? This would be less than one-tenth of our young manhood of military age, so that there should be comparatively little difficulty in securing this number. Having enrolled them, what should we do with them? With what weapons would they fight? No; if we were required to meet such an emergency, it would be not men, although that would be a need, but the greatest need of all and the most difficult to meet would be an adequate supply of arms like this I have here [United States service rifle] and of ammunition like that which you see on this table [artillery ammunition]. Those would be our two most serious needs. We are not prepared to manufacture either in large quantities.

We are not prepared to manufacture in sufficient quantities this service rifle which it would be necessary to place in the hands of every infantryman and cavalryman. We now have less than 800,000 of them all told. If we had an army of 800,000 men armed with this rifle we are not prepared to manufacture enough to supply the wastage alone. In other words, if we had 800,000 riflemen in active service, and should run our Government factories at full capacity, we should not be able to more than take care of the wastage unless we made further provisions for increasing the output.

What time would it take to get ready to manufacture rifles? We have a number of factories in this country, a very large number, that have modern machinery capable of being adapted to the manufacture of rifles. A number of them are to-day manufacturing rifles for use in foreign countries, but they are not prepared to manufacture our rifle, and it would take a considerable length of time to procure the necessary tools, special appliances, and inspection devices to produce our rifle. I have authority here in my hands for the statement that it would require at least 18 months to prepare even the factories that are to-day manufacturing rifles for foreign use to manufacture in large quantities our own rifle.

I wish to submit a number of statements from the report made by a board appointed under section 121 of the national defense act on the subject of "Government manufacture of arms, ammunition, and equipment." The statements are in regard to rifles. The board finds that the rifle is the most difficult arm to secure.

The investigations of the board warrant the conclusion that the procurement of rifles presents greater difficulties than that of any other class of munitions. The large number of operations required, the accuracy demanded for the functioning of the parts, and the exceptional quality of steel that must be procured for barrels, the equipment of a plant, and the procurement of labor and supplies subject the manufacture of this arm to delays that might well be fatal.

Great Britain found the same thing. Here is what the Right Hon. Edwin Montagu, M. P., minister of munitions, said in a recent speech on the subject:

Rifles are more difficult to increase than any other munition of war. * * * I understand rifles have always been the chief factor lim-

iting the number of men who can be put in the field, and the best evidence therefore of the progress of rifle output is the size of the army that we are now able to arm and maintain overseas."

The report of the board referred to states the fact that—

The Springfield rifle has more than a hundred parts and it requires more than fourteen hundred distinct factory operations to produce the finished piece.

Fourteen hundred factory operations mean that there are required a like number of gauges to determine the accuracy of the parts produced by these fourteen hundred different operations. These, by the way, are gauges of the same general character and purpose as those here exhibited. A large number are required and absolutely essential not only to insure accuracy but also to facilitate manufacture. These devices themselves are difficult of manufacture and require a long time to produce. The board continues:

The experience of our most highly organized and best equipped plants in carrying out European orders for military rifles is a lesson that our own Government should take to heart. The board can only speak of the results of its observations and of the frank statements of the officers of these plants in general terms. So speaking, it may be said that the lack of correct specifications and drawings followed by the lack of correct gauges, jigs, special fixtures, and tools not merely caused delay in arriving at a satisfactory output, but caused a large wastage of time and labor upon unsatisfactory products. The plants that are now turning out foreign rifles after two years of hard work have not yet reached their expected capacities. To turn these private plants from the manufacture of European rifles to the manufacture of the Springfield rifle would, if undertaken to-day, require not less than 18 months to get first results and at least 2 years to get capacity output.

This is not my unsupported statement, but the report of a board composed of Army officers and two civilians appointed by the President, who have gone into the subject thoroughly. The report of this board is quite recent, but is in entire accord with what I have been advocating before this House and the country for more than a year. The board says further:

There are now five plants manufacturing military rifles in this country but none of them is equipped to manufacture the Springfield rifle, and it would require a complete new set of gauges, jigs, fixtures, and tools to enable any of them to do so.

The British minister of munitions finds that the size of the army that can be put in the field is limited chiefly by the number of rifles available. It was doubtless so with Great Britain. We know that after the first expeditionary force was sent to Flanders Great Britain went ahead raising a larger army, but was unable to supply the men with rifles.

Mr. SLOAN. The gentleman speaks of factories being able to make other kinds of rifles than the Springfield rifle. Are these other rifles they are engaged in making as efficient weapons as the Springfield?

Mr. TILSON. In my judgment they are not as good. The Springfield is the best rifle made. I do not think there is any question about that. Its muzzle velocity is higher. It is a better rifle all the way through, but, in addition to that, it is absolutely necessary that there be interchangeability of ammunition and interchangeability of parts in the rifle. If we were called upon to go into war now, it might be the wisest thing for us to do to scrap our 800,000 of the best rifles in the world and turn to the use of rifles not so good, because a considerable number of plants are prepared to manufacture those rifles and are not prepared to manufacture our own.

Mr. SHALLENBERGER. And our ammunition would not fit those others?

Mr. TILSON. Oh, no. Understand that no ammunition that is made will fit the Springfield rifle except the ammunition specially made for it in this country.

Mr. SHALLENBERGER. And our reserve supply is of that class of ammunition?

Mr. TILSON. Yes.

Mr. QUIN. What is the make of that rifle you have in your hand?

Mr. TILSON. This is the Springfield rifle; our own service rifle. I was about to say that we should learn the lesson of Great Britain in this matter, because I think it is important.

Mr. HARDY. Could we not use the other guns while we were preparing to make the parts of the guns that we have?

Mr. TILSON. That might be the wiser way to do it, because we are prepared to make foreign ammunition and foreign rifles, and we are not now prepared to make our own in any large quantities.

Mr. HARDY. How did we get those 800,000 rifles if we did not make them ourselves?

Mr. TILSON. We made them at about the rate of 200,000 or less a year, usually much less, but the lowest estimate of the annual wastage of rifles in the field is 40 per cent, and 100 per cent is nearer correct. The percentage of wastage has run as high as 150 per cent in some of the armies of Europe. If we suffered a wastage of 50 per cent, we could not increase

at all, but should go downhill if we had to depend upon our own Government manufacture.

Mr. HARDY. Then a great many of our rifles are .4 and 5 and 6 and 7 and 8 years old?

Mr. TILSON. Yes.

Mr. HARDY. And there has been no improvement in the rifle since that time?

Mr. TILSON. In my judgment, there has been no improvement beyond this rifle. I think that is a safe statement.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. TILSON. For a question.

Mr. HULL of Iowa. Is not the gentleman mistaken in saying that we are manufacturing them to-day at the rate of 200,000 and that that is the capacity? Is it not true that if they were running on double shifts they would be able to make 400,000?

Mr. TILSON. I did not mean to say that we are actually turning out 200,000 rifles a year, but at the maximum capacity I think the limit is something like 400,000 a year. Even that does not change the situation at all. However, our present output is very much below capacity.

Mr. HARDY. But it would prevent the scrapping of any of the arms we have. That would be sufficient to keep them in repair.

Mr. TILSON. Yes; we could take care of the rifles we have.

Mr. MILLER of Pennsylvania. You would not use two sets of rifles in one brigade?

Mr. TILSON. It would be unsatisfactory and dangerous to attempt it.

Now, I desire to speak a little further of Great Britain's experience in regard to the expeditionary force, for it carries a lesson for us. As you know there was some difficulty—we do not know how much—in raising an army by the volunteer system in Great Britain. They finally succeeded in raising something like 3,000,000 men before the other system was adopted. I am not going into the question of the efficacy of the volunteer system at all, but at any rate they raised at least 3,000,000 men, only to find that there were not rifles enough to place in their hands. We have the statements of different officials of the Government to the effect that they were not able for more than a year to put rifles in the hands of 1 man out of every 10 that they could enlist. They came to this country seeking rifles. They came first to the large rifle manufacturing establishments in this country, offering all sorts of inducements for early deliveries. Time was the most essential element of the contracts which they entered into. Our people, many of them not accustomed to the production of rifles on a large scale, made mistakes and accepted contracts which they could not carry out, because they were not equipped with the necessary appliances of which I am speaking. Some of the difficulties encountered are referred to in a statement made by a capable and experienced mechanical engineer, as follows:

The gauges first designed were generally inadequate; the tolerances and clearances allowed were not the best possible to insure economical assembling of the parts, with the result that a great many rejections were inevitable during the first months after production was attempted.

More important, however, was the fact that the capacity of the tool-makers in this country was less than one-tenth that required to produce the necessary gauges with sufficient accuracy, even if they had been correctly designed. The result was months of delay.

In short, manufacturers did not have these necessary things and it required time to make them, so that it took them a year and a half before the rifles were being delivered in quantities.

It is the same story in regard to artillery ammunition. Before the present war began, no one, unless it was the Germans, had any conception of the amount of artillery ammunition that would be required for a great war. At Verdun the French alone in one day, of which we have reliable information, used 800,000 shells, which is more than our present entire reserve supply.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Could the gentleman yield me as much as five minutes additional?

Mr. McKENZIE. I yield the gentleman five minutes more.

Mr. TILSON. It is absolutely essential in order to make an attack in a modern war that the attacking party have an overwhelming amount of both shrapnel and high explosives. It is necessary that it be manufactured rapidly and in very large quantities, which is impossible without a large array of limit gauges and other special appliances. This does not look to be a very complicated affair [illustrating with a shrapnel shell], but it really is quite a complicated machine. This part alone, the time fuse that I hold in my hand—it is our common 21-seconds combination time fuse—requires 235 different gauges like this and this [illustrating], and various other special tools like these, to make it. To procure gauges alone to turn out 1,000 fuses a

day would cost approximately \$100,000; but time fuses can not be made at all accurately or in large quantities without them. It is imperative that the time fuse explode the shell at the right moment. All of its parts must be constructed with the utmost precision, requiring them to be inspected to a fine degree of accuracy, and they can not be inspected without the devices of which I am speaking.

In this bill we are saying to the War Department, "Go ahead with the purchase and manufacture of the essential appliances required in mass production of the most vital necessities of modern warfare," which are small arms and ammunition and shells, both shrapnel and high explosive, for the Artillery. I asked the Chief of Ordnance in regard to the progress he is making in this direction. He admitted that he is progressing rather slowly under the appropriations made last year, owing to numerous difficulties. He added, however, that each gauge or other necessary special appliance accumulated he regarded as one more obstacle passed and out of the way.

Mr. BORLAND. Mr. Chairman, may I interrupt the gentleman? I do not want to take up his time—

Mr. TILSON. Just for a question.

Mr. BORLAND. Does the gentleman believe we ought to abandon the giving of contracts to private manufacturers?

Mr. TILSON. I do not.

Mr. BORLAND. And hold ourselves wholly to Government manufacture?

Mr. TILSON. Quite the contrary. Not that we should wholly abandon Government manufacture, which would be a great mistake; but in case of a great war, Government manufacture at best would be altogether inadequate, and it would be necessary to call upon all the private manufacturers of the country. That is just the point of my contention. The country is filled with manufacturing plants having an abundance of up-to-date machinery capable of being readily adjusted to the manufacture of arms, ammunition, and parts thereof. All that is lacking are the specially designed gauges, jigs, dies, and fixtures. With these necessary articles ready in advance, it is only a matter of a few days to transform an industrial plant into a munitions factory. It has been done in Great Britain, so that there are 4,000 plants formerly engaged in a wide variety of peaceful industries now making munitions of war. The articles in question are useful only in the manufacture of war materials. Consequently no private plant had them. The Government did not have them. In the stress of war two years were consumed in procuring them. Meanwhile the production of the most vital necessities for carrying on war was delayed. My plea is that we should take this lesson to heart and profit by it. Let us procure these essentials in time of peace, hoping all the while that peace may be vouchsafed to us forever, but at the same time be prepared to meet effectively any untoward emergency.

It is easy to foretell just what would happen in case of war. With a great rush and without much consideration Congress would place at the disposal of the President a great many millions of dollars. Representatives of the executive departments would soon be hurrying in hot haste to and fro, up and down the country seeking, reckless of cost, the very things I am now urging that they procure at reasonable expense in advance. Is it wise, is it safe, to wait till a crisis is upon us before taking such a reasonable precaution to meet it?

Mr. SHALENBARGER. I wish the gentleman to be sure of its getting into the Record that due to his efforts an appropriation of \$200,000 was made in the last bill. Now, will the gentleman tell the committee whether or not any of it has been used for this very important purpose?

Mr. TILSON. There was \$450,000—I beg the gentleman's pardon—one item of \$250,000 and one of \$200,000. They have used a part of it, but they have encountered some difficulties, as I have stated, and must encounter them, whether in peace or war. My idea is that we can better afford to meet and overcome such difficulties in time of peace.

Mr. McKELLAR. Will the gentleman yield?

Mr. TILSON. For a question.

Mr. McKELLAR. I just wanted to ask the gentleman if he is not mistaken about any of it being used. They have not used any of it, according to the latest reports, for these jigs, dies, and gauges.

Mr. TILSON. I understand that they are proceeding with the preparation of the designs and making a study of the requirements of the situation. The estimates and the testimony before the Committee on Military Affairs indicate that they will be able during the next two years to use the \$400,000 asked for in this bill. I wish to say in behalf of the entire membership of the committee that they have given gladly every cent the department has said it could use.

Mr. McKELLAR. And I want to say to the gentleman that I am in thorough accord with him on that subject, and I think the whole committee is.

Mr. KELLEY. Is the capacity of the munition plants of the country very great for making English rifles?

Mr. TILSON. It is considerable.

Mr. KELLEY. A good many thousand every day?

Mr. TILSON. Yes, sir.

Mr. KELLEY. Would it take long to fit up these factories with the machinery you speak of?

Mr. TILSON. The report of the board to which I have referred says 18 months. They would have to make all these things new. Our ammunition would not fit their rifles or their cannon. We have different calibers from theirs. Everything is different. They would have to begin almost new. There is this very great gain, however, in the fact that we should know where the machinery is that would make good rifles and shrapnel. I know that some of it is out in the gentleman's State, for I have seen it working out there turning out shells for a foreign belligerent. My aim and hope is to see our own country prepared to utilize on short notice our great industrial resources for our own national defense. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that I may extend and revise to some extent my remarks, as I have not been able to put into my remarks all that I would like to say.

The CHAIRMAN (Mr. CANDLER of Mississippi). The gentleman from Connecticut asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD, which I made on this bill yesterday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD, made on the bill yesterday. Is there objection? [After a pause.] The Chair hears none.

Mr. DENT. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MORRISON].

Mr. MORRISON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana [Mr. MORRISON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, on yesterday the gentleman from Massachusetts [Mr. GARDNER] made a reference to Mr. Bryan and his action in the face of the conditions that confront the country now, and I endeavored to interrupt him to ask him a question, but he declined to yield. Later I asked two minutes in which to address the House on the same question and again that opportunity was denied me. So I take the opportunity now before I begin my address upon the bill before the committee to ask again the gentleman from Massachusetts, who I see is here, whether or not he voted for the Navy appropriation bill which lately passed the House?

Mr. GARDNER. No. I was in New York, and I telephoned over to Mr. ROBERTS of Massachusetts, or made inquiries through the telephone clerk, of Mr. ROBERTS, and he said he had a great quantity of votes and it was absolutely unnecessary for me to come over. Whereupon I asked to be paired in its favor. I asked them to get me a general pair, which they did.

Mr. SHALLENBERGER. I will call attention to the fact that the gentleman from Illinois [Mr. MANN] introduced an amendment to that bill, as follows:

On page 60, after line 23, insert: "It is hereby reaffirmed to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided."

I would like to ask the gentleman from Massachusetts if he agrees to that amendment?

Mr. GARDNER. I will say to the gentleman that I should have raised a point of order against that, and it would have gone out. It is absolutely and historically untrue. We never had such a policy.

Mr. MANN. Is the gentleman aware that that was inserted without controversy?

Mr. GARDNER. Absolutely without controversy, because people did not know what was being said.

Mr. STAFFORD. I want to call the gentleman's attention—

Mr. GARDNER. It is absolutely of no consequence, anyway. Mr. STAFFORD. The gentleman may think it is of no consequence.

Mr. MANN. It was inserted in the naval bill of last year.

Mr. SHALLENBERGER. I was in the House when it was adopted without a dissenting vote, and there was no objection.

Mr. GARDNER. And we have never used arbitration in order to prevent war.

Mr. MANN. Will the gentleman yield the floor long enough—

Mr. GARDNER. That is for the gentleman from Nebraska [Mr. SHALLENBERGER] to say.

Mr. SHALLENBERGER. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. The gentleman knows that the same thing was inserted in the naval bill last year, the current law, without any opposition from anybody at that time.

Mr. SHALLENBERGER. I am aware of that fact, and therefore I wanted to be sure that the gentleman from Massachusetts opposes that amendment. Mr. Bryan has devoted his whole life to the thing at issue right now in this dispute—to the sentiment and idea contained in the Mann amendment.

Mr. GARDNER. The issue with the President, who is not advocating mediation and arbitration. Is that what you meant?

Mr. SHALLENBERGER. That is not what I meant, and that is not the question at issue here. I would like to say that those of us who know Mr. Bryan in Nebraska know that one of the chief reasons that induced him to take a position in the Cabinet, and he has stated it often, was the hope that he might have the honor of bringing about arbitration treaties between this Nation and the rest of the world. The charge of the gentleman from Massachusetts in his speech on yesterday was that Mr. Bryan was "trying to tear the Nation asunder." Mr. Bryan has stated both publicly and privately that he considered it as perhaps the greatest honor ever permitted to him in his life when he was permitted to prepare and negotiate 30 arbitration treaties whereby we would be enabled to settle international disputes in accordance with the precepts of this particular amendment rather than on the battle field.

Mr. GARDNER. Mr. Chairman, will the gentleman yield there?

Mr. SHALLENBERGER. Yes.

Mr. GARDNER. Was Mr. Bryan able to make one of those treaties with Germany?

Mr. SHALLENBERGER. He was not.

Now, I want to call the attention of the House to the fact that if the gentleman from Massachusetts disagrees with this amendment, he is in disagreement with this House and in disagreement with his own party, as shown by the roll call on that bill. The naval bill is the most important national-defense measure passed in the American Congress; and the gentleman from Massachusetts, the most ardent advocate, and I will say an able one, of a policy of preparedness on the part of the Nation, was not here to do his duty when the bill was voted upon. The House by a vote of 340 to 22 passed the bill. The arbitration amendment was in the bill and that is the thing that Mr. Bryan has stood for during all these years.

Mr. GARDNER. Does the gentleman think the House is 340 to 22 against the proposition of the President on this question of submarine warfare?

Mr. SHALLENBERGER. I know the House is with the President, but I also know that arbitration is the policy this House voted for.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. Does the gentleman believe with the Washington Times that this amendment was inserted in the bill surreptitiously?

Mr. SHALLENBERGER. No. On the contrary, I believe that this amendment was inserted in the bill openly and with the full knowledge of the membership of the House here. I can not consider it as having been done in any other way.

Now, I want to say, Mr. Chairman, that I have been somewhat maligned myself on some of these matters, and I believe that a great injustice has been done to Mr. MANN, one of the ablest citizens of the United States, one of the truest patriots of this country; and also an injustice has been done to this House when such an editorial as that was published in the paper mentioned. Such slanders of public men are a disgrace to the newspaper profession, and to American civilization as well.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for one more question?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from Illinois?

Mr. SHALLENBERGER. Yes.

Mr. MADDEN. Then the gentleman does not believe it would be possible to sneak such an amendment into the bill without the House understanding what it was?

Mr. SHALLENBERGER. No, sir. I do not believe it for a moment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GARDNER. Can the gentleman explain how this important amendment could be passed without our having any information on it beforehand?

Mr. SHALLENBERGER. That was because it was the opinion of the House it should be adopted.

Mr. GARDNER. Does the House usually remain silent when a matter is brought up in which the House is vitally interested?

Mr. SHALLENBERGER. It is, when the matter, in the opinion of the whole House, ought to go in the bill.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. MANN. The same proposition was contained in the naval bill which was passed a year ago. It is the current law. I offered my amendment in about the same place in the bill when we reached about the same place in the naval bill this year.

Mr. SHALLENBERGER. Yes; the same as it was before.

Mr. MANN. Anybody watching the proceedings with respect to the naval bill and attending to business and knowing about the matter would have been informed.

Mr. SHALLENBERGER. Mr. Chairman, I have referred to this matter because Mr. Bryan is not here to speak for himself. If he were here, he would not need me as a feeble advocate for him.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. TILSON. Is it not a fact that this amendment spoken of was subject to a point of order, and one objection would have put it out?

Mr. SHALLENBERGER. Yes; certainly.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, the rule and custom of the House is that the man in charge of a bill shall protect that bill from extraneous matter. There are many of us who are required to be almost constantly in committee, and therefore do not have the opportunity to make the objections that they would make if they were on the floor, and we must go on the assumption that extraneous matters will not be introduced into a bill.

Mr. SHALLENBERGER. I do not think that extraneous matters should be introduced into a bill.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. GORDON. When that amendment was offered by the gentleman from Illinois [Mr. MANN] I went to Mr. PADGETT, the chairman of the Committee on Naval Affairs, and suggested that he make a point of order against it, and he said, "I do not care anything about it."

Mr. SHALLENBERGER. He accepted it.

The point is, Mr. Chairman, that the gentleman from Massachusetts [Mr. GARDNER] charged that Mr. Bryan was "tearing the Nation assunder" by advising arbitration rather than war as a settlement of international disputes. I do not myself subscribe wholly to that doctrine. There are things I would not arbitrate. If Germany deliberately sinks our ships upon the high seas, with loss of American lives, in the face of the President's solemn warning, then there is nothing but the arbitrament of arms left to us in honor. But the charge is implied that Mr. Bryan is not standing by the President. I believe he is and will continue to stand by him in peace or in war. He has stood by him when he needed support in times past, and he will do so as a patriot in the future. He will not fail him in the hour of war, if war must come, any more than he has failed him in time of peace.

Now, there is a sharp division of opinion between Mr. Bryan and the gentleman from Massachusetts [Mr. GARDNER] at this time as to what should be our national policy. Mr. Bryan is a man of great personal magnetism and courage, and I believe the gentleman from Massachusetts is the same. They both responded to the call to arms in the Spanish-American War and were willing to go forth and die for their country; and although I believe they are passed military age now, their patriotism and courage are such that they would do so again if their country called. Mr. Bryan, with his great personal influence throughout the country, is doing the best he can to keep our country out of war, whereas the gentleman from Massachusetts seems to be doing the best he can to goad this country into war, and I am willing to abide by the verdict of the country as to which of these two gentlemen is serving his country the best in this

time of peril. Mr. Bryan went into this struggle to keep the country out of war. He may meet defeat here, as he has met defeat many times before. But defeat does not destroy a great man. It takes a real man to suffer defeat and then rise again, as Mr. Bryan has repeatedly done. He has been defeated three times for the highest office in the world, the Presidency of the United States; and although thrice defeated for a prize more valued than any that ever crowned a king, his name will live in the history of his country and in the hearts of his countrymen when those who berate and slander him here are forgotten forever. [Applause.]

That is all I have to say about that. Now, I want to call the attention of the House to the bill which is pending here.

Mr. FIELDS. Mr. Chairman, may I interrupt the gentleman right here?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. Right in connection with what the gentleman says about the defeat of Mr. Bryan, may I add a word that Mr. Bryan uttered on the morning of his first political defeat?

Mr. SHALLENBERGER. Yes.

Mr. FIELDS. That those who fight for the right may be defeated, but they are never conquered. They may suffer reverses, but they never suffer failure. [Applause.]

Mr. SHALLENBERGER. The first-line troops must not only be trained, but organized into fighting units, and this is the deliberate judgment of the highest authority we have in this country.

Having now the statement of the General Staff as to what they say our military policy must be, I, as a member of that committee, felt it no more than right that for the information of this House and the country the General Staff should give to us an estimate of what that policy was going to cost this Government, so I submitted seven written questions to the Chief of the General Staff asking for definite information as to what this was going to cost. We know that the system we have now is going to cost a lot of money. We have appropriated more in the last 12 years than Germany spent before she became engaged in the war in Europe.

Mr. KAHN. The gentleman will admit, however, that that is due to the comparatively large salaries that we pay to the soldiers as compared with what Germany pays.

Mr. HOWARD. To the officers.

Mr. SHALLENBERGER. The pay amounts to only about one-sixth of the cost of the Army.

Mr. Chairman, this Congress will appropriate a billion of dollars more for national defense than did the Congress that preceded it. I believe that we might just as well face the fact that in the future war expenditures will total something like a billion of dollars a year. The expenditures for the Army and the Navy will therefore absorb all the revenues derived by the Government from taxation, and the Nation will have to finance itself in the future by the issue of bonds, never to be paid, but the interest upon them will remain as a constant charge upon the revenues of the Government. This has been the inevitable result in every country which has adopted a policy of complete military and naval preparedness in time of peace. If we are to match ourselves against the strongest military nations of the world, we must pay the price. The great powers of Europe can claim at least as efficient and economical management as ourselves, and none of them has escaped a constant increase in their national debts.

The bill that we are considering is the only one of the great military and naval supply bills to be reported at this session carrying a less sum than was appropriated for the same purposes at the last session. But, nevertheless, it is in effect an increase over the previous bill as it was reported by the Military Committee at the first session of this Congress. The bill reported by the Military Committee at the previous session carried almost one hundred millions of dollars less than the present bill when it was first brought into the House. As it finally became a law it carried two hundred and sixty-seven millions.

If the awful calamity of war should result from the present international crisis, all previous appropriations for national defense will but constitute a drop in the bucket of the flood of wealth that will be poured out of the National Treasury. But we should not deceive ourselves into thinking that the Army and the Navy will not in the future demand larger and larger appropriations for their support in time of peace. In my opinion the Military and Naval Establishments will hereafter absorb all the revenues the people will consent to pay. The additional increments for the Regular Army and the National Guard, as already provided for in the national-defense act of June 3, 1916, necessarily demand increased appropriations for arms, munitions, material, and matériel, and these appropriations will continue to grow like Jonah's gourd. The appropria-

tions by this Congress for national defense on land alone will exceed by \$500,000,000 the amount appropriated for the same purposes in the Sixty-third Congress.

When the Regular Army reaches the maximum strength provided for under the so-called Hay bill and the National Guard is increased to 420,000 men, as is contemplated under that law, the cost of maintaining those units, added to the expense that will be required for our fortifications and coast defenses, will total a sum of \$500,000,000 a year. And yet any student of modern military development knows that if we are to maintain a system that will in any degree equal those of the great governments of Europe, which have gone into the war game, with the idea of developing the full fighting strength of the Nation, our military policy will have to be entirely changed.

This is not a statement of my own opinion, but on page 773 of the hearings before the Military Affairs Committee, upon this very bill, Gen. Scott, our Chief of Staff of the Army of the United States, speaking for the organization of which he is the head, stated that after long study of the situation in the light of the experience gained from the war in Europe—and I quote his exact language—

the conclusion of the War College Division, which is concurred in by the remainder of the War Department Staff, is that our system should now be able to furnish 1,500,000 trained organized troops at the outbreak of war and 1,500,000 additional in 90 days.

The first line of troops must not only be trained but organized as well—that is, actually organized into fighting units. This is the deliberate judgment of the highest military authority which we have in this country. We know that the system we have now is going to cost a lot of money. We have appropriated more in the last 12 years than Germany spent before she became engaged in the war in Europe.

Having the statement from the General Staff as to what they believe the safety of the Nation required for a proper military

defense, it seemed to me that the Committee on Military Affairs and Congress as well ought to be informed as to what the cost of such a military establishment would be to the Nation, should we conclude to put this plan into actual being. I therefore asked the Chief of Staff to furnish us a statement as to the probable cost of their plan. So far this statement has not been furnished the Military Affairs Committee, but I have made some estimates of my own, only partial, of course, but based upon actual tables and data furnished as to the cost of the different units of our present Army for arms, munitions, material, matériel, and so forth. I am sure these figures will be found very conservative and much under the mark as to what our actual military expenses will aggregate in time of peace, if the plan proposed by Gen. Scott is carried out. The questions submitted to the Chief of Staff, in my endeavor to ascertain the cost of putting the proposed plan for a military establishment into practice, were as follows:

Mr. SHALLENBERGER. I should like to have, first, the cost of artillery of all calibers and ammunition, both for annual use and a suitable reserve of ammunition for all calibers for an army of that size.

Second. The cost of rifles and ammunition for yearly use and the necessary reserve of rifles and ammunition for rifles for 3,000,000 men.

Third. Quartermaster's supplies, including uniforms and complete field equipment for an army of 3,000,000 men and cost of subsistence, transportation, and expense of annual field maneuvers, and all other necessary expenses of the Quartermaster's Department to maintain an army of 1,500,000 in being.

Fourth. Cost of necessary aeroplanes, including reserve matériel and equipment for field service of a sufficient number of aeroplanes for an army of 3,000,000 men.

Fifth. Cost of equipment and maintenance of an engineering corps sufficient for an army of 1,500,000 men, as demonstrated necessary by the experience of European nations in the present war.

Sixth. Cost of the pay of officers and enlisted men for an army of 1,500,000 troops maintained in field condition and ready for service, together with a reserve of 1,500,000 men sufficiently trained to be ready for battle service in 90 days.

Gen. SCOTT. Yes, sir.

Mr. SHALLENBERGER. I should like to have those costs; that is all.

Cost of equipment, field army troops.

	Quartermaster.	Ordnance.	Engineer.	Signal.	Medical.	Total.
Headquarters.....			\$3,263.00			\$3,263.00
1 regiment Infantry.....	\$149,354.66	\$71,705.44	271.60	\$2,073.69	\$536.35	223,941.74
1 regiment Cavalry.....	366,213.92	174,011.58	790.60	2,111.84	536.35	543,664.29
1 battalion 6-inch howitzers.....						
1 battalion 4.7-inch howitzers.....	402,839.91	1,804,275.23	120.00	3,821.77	1,599.95	2,212,566.86
1 battalion 4.7-inch guns.....						
1 regiment mountain artillery.....	268,523.22	474,821.19	120.00	3,821.77	536.35	737,822.53

The cost of equipment for an army of 3,000,000 men, which I have estimated for, is based upon the above table.

The estimates which I have here submitted are in line with the questions asked of the General Staff. In the first place, the system proposed by Gen. Scott contemplates the retention of our present Military Establishment, so far as the Regular Army is concerned, after it shall have been increased to its maximum strength under the national-defense act. The maintenance of this force will entail a cost of at least \$350,000,000 a year. This is fully and plainly set forth by Gen. Scott on page 791 of the hearings of the Military Committee upon this bill. His positive statement is that the Regular Establishment of the national-defense act will be needed as an expeditionary force and to garrison and maintain our domestic and foreign fortifications.

On page 349 of the Infantry Journal of December last is given a table in detail of the cost of arms and equipment for a field army, the cost of each arm of the service, and the Engineer Corps as well. It is as exact as any that I could obtain. On the same page is given a table of percentages of the officers of the different field and staff corps of the Army.

Taking these percentages as a basis, we find that our Army should consist roundly of 48 per cent Infantry, 20 per cent Cavalry, 28 per cent Field and Coast Artillery, and about 4 per cent Engineers, and so forth. With these tables accepted as a basis, I find the cost of equipment alone for an army of 3,000,000 men would be \$2,576,000,000. If these figures seem excessive, please remember that every Army expert who has appeared before the Military Committee has agreed that all field equipment, including arms and munitions, must be on hand when war starts, or the war may be over before they can be obtained. Just as Col. Tilson has stated, an army without necessary fighting material is no army at all.

The amount stated is only the cost of equipment for actual needs before war begins. There must also be a reserve of all those things essential for the maintenance of an army in the field, or the effectiveness of that army will be gone in a few days of fighting. The Treat Board, which was composed of

Army officers selected for the purpose of determining the amount of reserve of artillery and artillery ammunition necessary for an army of 1,000,000 men, reported that such an army would require reserves to the value of \$480,000,000 in artillery and artillery ammunition. The appropriations now being made for reserves of artillery and ammunition for our present Army are based upon the report of this board.

Accepting these figures as our basis, an army of 3,000,000 men would require a reserve three times as large as that recommended by the Treat Board. This would mean an investment of \$1,440,000,000 in artillery and artillery ammunition. The wastage in field equipment and arms is enormous in actual war. A reserve of at least 25 per cent must always be maintained of field equipment and small arms and ammunition, and this for an army of 3,000,000 men calls for at least a billion more of reserve supplies. So we have for arms, equipment, ammunition, and reserves for an army of 3,000,000 men, ready for action in 90 days, as the General Staff has declared we must have, a total of \$5,016,000,000. This estimate does not include pay or the cost of subsistence, transportation, maneuvers, quarters, or the hundred other expenses that make up an Army appropriation bill.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. Yes.

Mr. FESS. Those figures are staggering to me.

Mr. SHALLENBERGER. Yes; and I will give the gentleman others that will stagger him more.

Mr. FESS. We could probably raise the money, but how are we going to raise the men?

Mr. SHALLENBERGER. That is a proposition that we will have to consider later.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. For a question. I have only five minutes.

Mr. BORLAND. If equipping an army becomes imperative, had we not better direct our attention to getting good results for our money?

Mr. SHALLENBERGER. Yes.

The War Department recommends a period of eight years for securing the reserves contemplated by the Treat Board. Distributing the appropriations to provide equipment, armament, and reserves for the Army, contemplated by the General Staff plan, over a period of 10 years would necessitate appropriating \$500,000,000 a year. Add to that amount the cost of the Regular Establishment, which Gen. Scott states must be maintained, and the cost sums up \$850,000,000 a year. Add to that the cost of pay, transportation, subsistence, and all other necessary expenses for the Army of 500,000 citizens to be always maintained in the field by compulsory service, as the General Staff plan contemplates, and the cost will easily amount to a billion dollars a year for the Army alone.

We may be sure that the arms, armament, and equipment required will have to be renewed every 10 years, because it is in present practice renewed oftener than this. If these figures seem somewhat excessive as an estimate of our probable military expenditures for the future, just compare for a moment the advance in those expenditures as appropriated for by this Congress with those voted by the last. We must remember that we have only started upon the road to complete military preparedness, as advocated by those who are shaping the destinies of this Nation to-day. Resist as much as some of you may, the expenditures for the Army and Navy will continue to grow greater and greater as the years advance, unless the whole world changes its policy and ideas upon the subject of war.

For the year 1916 you appropriated \$300,000 for aviation and \$150,000 for machine guns. This Congress will appropriate almost one-half as much for these two items alone as was the entire cost of the Army for the fiscal year 1916. I have taken the time of the House to read these estimates and comparisons as to the probable expenditures in the future for military preparedness, to give some foundation for the idea that I desire to advance.

The vast sums of money voted for national defense are appropriated under our present system with a lack of accurate knowledge upon the part of both Congress and of committees that is monumental in its magnitude and is bound to result in a wastefulness of public money that would appall our constituents if they really understood it. We are spending billions of public funds upon the request, either in person or by letter, of department clerks and bureau chiefs who are interested mainly in the matter of securing the greatest possible expenditure of money by their departments. Possibilities of pay and promotion are always potential factors in determining the size of appropriations asked for by every department of this Government.

I believe that every member of the Military Affairs Committee of this House feels that we have to pass upon hundreds of millions of expenditures for the Military Establishment of this Government about which we have not sufficient knowledge to act intelligently. We have the same machinery to determine and decide the Government's expenditures for the Army and Navy that we had a few years ago when we voted about one-fourth the amount of public money for national defense that we are spending at present. Committees are fighting for jurisdiction as to appropriations for thirty or forty millions of dollars for aeroplanes and antiaircraft armament about which none of them has any accurate knowledge either as to efficiency, cost, or need. The same thing is true as to artillery, ammunition, machine guns, and all military matériel.

Here are some examples of results under our present system taken from the records of hearings had before the Military Committee of the House.

The service rifle which the soldier carries with him into battle is the most important weapon with which an army fights. No other single arm compares with it in effectiveness in battle.

The Chief of Ordnance states that an army of a million men would require 1,250,000 rifles to properly arm it. An army of 3,000,000 men would therefore require more than 3,500,000 rifles. We have at present 700,000 service rifles—about half enough to properly equip an Army of 1,000,000 men.

No manufacturer in the United States is equipped to manufacture a single rifle such as our Army uses, nor could they produce them in quantities in less than a year's time. Therefore the only source of supply we have is the Government arsenals. They have a capacity of at least 600,000 rifles a year.

Notwithstanding the fact that the war in Europe has been going on for more than two and a half years, "sparks have been flying" and we have been constantly on the "verge of war," in three years we have added less than 25,000 rifles a year to our supply.

The actual figures showing the number of rifles manufactured are: In 1914, 26,545 rifles; in 1915, 25,972; and in 1916, with the war in Europe still coming closer to us, we manufactured

and secured 13,628 rifles; or in three years we have added 66,000 rifles to our reserves.

One of the wonders of this war has been the development of large caliber field howitzers and mortars that are used in countless thousands on the battle lines of Europe, and without which modern infantry, intrenched in ditches and armed with machine guns and military repeating rifles, could not be dislodged but could hold their positions indefinitely.

If our troops were required to dislodge an intrenched enemy with the field artillery we now have, they would find it an impossibility except at the end of frightful slaughter. The heaviest caliber field artillery we have is a 6-inch howitzer, throwing a shell weighing 120 pounds, and never designed to be used against modern intrenchments, and we have not enough high-explosive shells of that caliber to keep the guns we have in action for a week. If large-caliber mobile guns, throwing high-explosive shells at high angles, are essential for driving men out of modern intrenchments, and every military authority says they are, then we have not made much progress in three years in this direction, with the example of the war in Europe constantly before us. We have not manufactured a single gun of heavier caliber than 6-inch.

The third astonishing development of this war has been in the increased use of the automatic machine rifle. The record shows we had last year ten hundred and seventy-seven machine guns of various varieties. The bill for 1916 carried an appropriation of \$150,000 for machine guns, but none were purchased or manufactured. Last year Congress voted \$12,000,000 for machine guns. This would have purchased 16,000 machine guns of the Lewis or Colt type, which are being used in thousands in actual battle by the English, French, Belgian, and Russian Armies, and now being manufactured in the United States by thousands every month.

The machine-gun board recommends the purchase of 17,283 guns in three years. We gave them enough to buy 16,000 gas-operated machine guns last year, and they actually purchased 353. Over nine millions of last year's appropriation has been contracted for to be used in payment for 4,000 heavy machine guns, requiring four water tanks with each gun, from a company which has never yet manufactured a single gun of the kind we have contracted for, nor does anyone know when they will be able to deliver them. It is bound to be in the future at the best, and no one is certain that a gun such as the Army will accept will be gotten under this contract.

The above is our record for the past three years, as I have been able to obtain it, as to our achievements thus far in preparing for the possibility of war in the matter of securing rifles, heavy field artillery, and machine guns, the three most essential arms with which to equip men for battle.

Mr. KELLEY. Can the gentleman tell me how long it took the Remington Arms Co. to make the English rifle after they got the order?

Mr. SHALLENBERGER. The information given the committee was that it took about 18 months. We talk about getting an army trained. We will have to have 3,000,000 men if we go into that European war, if we do anything worth while. A colonel from Kentucky or New York or some other place the other evening—Col. Harvey, I believe—made a speech in this city, and in it he said that he wanted to send our Regular Army of 100,000 men to that European battle line, and told of how those people would cheer when they saw that 100,000 men coming to battle, and how their hearts would leap, and all that sort of thing; but, Mr. Chairman, England has sent 5,000,000 men to that battle line, France has sent 7,000,000 men to the battle line, and Russia has sent 10,000,000 men, and they have not been able yet to make a dent in the German line, if that is the line that you are going to fight. We will have to put millions of men into the European war if we are going to turn the tide of victory. We will have to train them before they go to that battle line, but we will have plenty of time to train them.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. SHALLENBERGER. I can not yield. If we finally get these guns, we will have plenty of time to have the boys trained, but we will have to train them with something else than rifles.

Mr. SHERLEY. If the gentleman will permit me, I think it is only fair to the record to show the truth. The gentleman is talking about the number of rifles. It is true we have not been manufacturing many. Why? Because we have many more rifles than we have men or any immediate prospect of getting men, and there was need of other kinds of munitions.

Mr. SHALLENBERGER. The record shows that we have contracted for and purchased about 250,000 pistols—poppuns instead of rifles.

When their military expenditures had grown to enormous proportions other nations found it necessary to adopt an efficient

business system for handling the public's money in the matter of war expenditures. England created a department of munitions. The strongest man in the empire was given the place of minister of munitions. It revolutionized the policy of the Government and put efficiency and economy to the fore. I firmly believe we will have to adopt some such plan in the matter of expenditures of our money for public defense or else our waste will be enormous. If you say that England's action was in time of war, why should we not avail ourselves in time of peace of the lesson she had to learn by bitter experience in time of trial and stress? We are simply deluging the different departments of the Army and the Navy with the flood of money. Having never had to handle expenditures of such tremendous magnitude before, being suddenly given more money than they ever dreamed existed, they are really put to it to find a place to even give it away. It is my opinion that a committee of Congress having control of the purchase and manufacture of all munitions and supplies both for the Army and the Navy should be constituted by Congress. It should have jurisdiction over all appropriations for arms, armament, material, and matériel.

This would require, of course, the establishment of a new committee, but I am firmly of the opinion that such a committee could properly inform itself as to the most economical and efficient means for supplying the needs of this Government in the matter of war material and direct the manufacture and purchase of war supplies so that the best interests of the Government and of the people, who pay the bills, would be served. The efficiency of our national defense program would be tremendously increased and the National Treasury saved from the waste of untold millions of money.

If something is not done in the future to more carefully supervise the expenditure of the billions that are going to be spent by coming Congresses upon the matter of national defense, we will probably discover what is somewhat apparent now—that while expenditures and appropriations grow by hundreds of millions at each succeeding session, our Army increases by thousands. Since we started to increase our Military Establishment for national defense our appropriations for the Army have increased four hundred millions and the Army has been increased by about 10,000 enlisted men of the line.

We can get everything for an army by appropriations except men. Without men we can have no army. We can get plenty of officers, eager for rank and thirsty for glory, but the lack is in fighting men for the line, ready to die in the ditch. Kings and princes have at times in the past found it difficult to get men to fight their battles for them. Napoleon Bonaparte, the wisest warrior the world ever knew, conceived the plan of universal conscription to fill his ranks, and when one nation had adopted that policy it compelled those who were its expected or possible adversaries to inaugurate the same system or be overthrown. In the event of a war for national defense, this Nation will spend its last dollar and send the last man to the front. In such a war the United States will never be troubled to find soldiers for the fighting line. It will only be put to it to find guns and ammunition with which to arm them. It would be put to it to do so right now.

Militarists are always ready to pay any price for any kind of war material except the human unit, the man who fights the battle, the man who is the heart and the lifeblood of every army. Having to pay enormous prices for other war material, they purpose under the plan of compulsory service to pay nothing for the men. In war everything goes up in price except human life. The nations at war in Europe will send a man 5,000 miles across the sea and over the land, away out to western Nebraska, where I live, and pay me \$150 in good red gold for a dinky horse that could command a price of perhaps \$50 in time of peace. They will ship that horse back over land and sea to Europe, and when they get him to the battle line he has cost them six or seven hundred dollars and will live perhaps 15 or 20 days.

But they will take the boy of Europe, the flower of his race, the pride of his parents—they take him for nothing. They send him to the firing line and he is shot down. They pay him perhaps 7 cents a day while he lives. Seven cents for the boy; \$700 for the horse. It is because I know that such things as this are the inevitable consequence of war that I hope that God may grant to our President the wisdom and the understanding to keep us free from its awful curse. We are at present free from the fearful problems that confront blood-soaked and war-weary Europe. We can show them the true way by example more surely than we can drive them to it by force of arms. There is room and stage here in this western world for this Nation to work out its final and triumphant destiny which, in my judgment, should be the leadership of the peoples of earth in commerce, in education, and in civilization.

Let Columbia still continue to sit here, enthroned between our silver seas, the Atlantic upon the east, the blue Pacific upon the west, "these seas which serve us in the office of a wall or as a moat defensive against the envy of less happy lands." And to our future jubilee shall come, in the fullness of time when we hold it, not kings and princes as a relic of the imperialism, the barbarism, the despotism of the past; not conquered nations bound to our chariot wheels, as trophies of conquest and all-conquering war, but rather the nations of the earth in peaceful procession, to sit at our feet and learn from a study of America's history the story of man's final emancipation from wrong and oppression and do Columbia reverence as the uncrowned queen of the highest, the freest, and the noblest type of civilization upon the face of the earth. That is the ideal which I hold for my country. That is the mission I would have her bring to mankind. [Applause.]

Mr. DENT. Mr. Chairman, I yield six minutes to the gentleman from Georgia [Mr. RUCKER].

Mr. RUCKER of Georgia. Mr. Chairman, in 1869 I came to Washington from Princeton College to start life as a correspondent. I represented the Atlanta Constitution, the Augusta Chronicle, and the Mobile Register, then, as now, papers of influence, papers that have made and unmade many a man. They were ably edited, fair on all matters at issue, and they never struck below the belt. The gathering of news then was a different matter from now. Most of the news matter handled by correspondents was sent by mail, the more important being sent by wire, for the Western Union, then as now, was trying to make an honest living, and charges were quite high.

I sometimes wish, Mr. Chairman, I had stayed in the newspaper business, because all connected with the press seem so bright. I do not know whether they are bright because they are connected with the press or connected with the press because they are bright; but so it is. They have been kind to me since I have been here. [Applause.] May their tribe increase, and may the good Lord reward them according to their works. I hope they get better pay than we used to get. My recollection is I got \$2 a day to start with, and when my talent became recognized the pay was raised by leaps and bounds to \$3. [Laughter.] I know it enabled me to live in more or less splendor at what was then considered the fashionable hotel of the town—the Metropolitan. I fell so much in love with that institution that I am there to-day; and one of the things that makes the Metropolitan such an attractive place is the sense of security and repose which you enjoy when you get into the elevator. [Laughter.] It is the only thing in Washington I have found that goes slow, and I am inclined to think that the present one is the old one or its immediate successor. The fare is excellent, the service good, and I have spent many a happy night within the walls of the dear, old Met. [Applause.]

I remember my first appearance at the White House. I accepted the invitation issued to another gentleman, borrowed a coat from one Member about my size, though it was rather a tight fit, and a pair of pants from a gentleman from Savannah. But my recollection is that my appearance was generally pleasing and commented upon favorably by certain Members who wanted favorable mention. I never went back on a friend, and loans were easily made. I made some to adjust the inequalities of fortune.

The press was a great power then, as now. Many things have occupied my attention since I have been here, but I know nothing I have looked for more carefully than what is said about me in friendly newspapers. I have cut out and have now in a precious scrapbook a volume I will pore over when I get home. The happiness the boys have given me they will never know.

In the days when I was in the gallery, Mr. Chairman, right over where you sit to-day, in the end nearest the east, there were not many correspondents. I suppose nearly all of them have gone to their reward, for I was the youngest member of the lot. Mr. Blaine was the Speaker of the House, and Mr. Colfax presided over the Senate. Gen. Grant was in the White House. I have seen him many a time on Pennsylvania Avenue, generally smoking, and always democratic and dignified. At the time I was here a great deal of heat was displayed in debate. Passions aroused by the war were at white heat. I remember as Members of the House and Senate Gen. Butler, Mr. Dawes, Mr. Bingham, Mr. Trumbull, Mr. Sumner, and Mr. Sargent. Then, as now, a few did the talking. [Laughter.]

The Democrats sat on the right of the Speaker and they were a very small part of the body, but as intelligence has increased they have grown in membership until it looks like now they shall inherit the earth. I love my country and its institutions, and I love the women, collectively and individually, because

they made possible the election of the gentleman in the White House who has no superior and, in my judgment, no equal save Washington. [Applause.]

I remember the Georgia delegation then—a moderately fair aggregation. I was a great favorite with this bunch, if I may so characterize them, because I called attention only to those things that made for their good. I frequently helped them with their speeches, scissoring sharply, sometimes almost bodily producing speeches from the most ancient CONGRESSIONAL RECORDS we could find. I was a great favorite and frequently lunched with them. It was whilst associating with them I learned to smoke. [Laughter.]

At that time, Mr. Chairman, I have heard there was a bar-room in the basement, a place then much frequented, and when some of the Members would get up to make a speech, and were obliged temporarily to be out of the bar, they had placed on their desks, in vessels you could not see through, what was called "cold tea." [Laughter.] I do not know as a matter of fact what was in these vessels, but a constant using of the contents produced a thickness of speech and an unsteadiness of legs. Now, an enlightened public sentiment has run drink out of the Capitol, and I hear you can only get liquor at a near-by institution not owned by the Government but contiguous to Government property. [Laughter.] I trust we will get rid of it altogether, and if the Committee on the District of Columbia will bring the question of liquor in the District up in the House they will have a bill prohibiting liquor from the District passed by a large and overwhelming majority, say, 5 to 1. Even if a man wants a drink, he is not going to vote in a way to indicate his desire.

Mr. Chairman, I know of only three institutions that will be injured by putting liquor where the hand of resurrection can never reach it—the poorhouse, the penitentiary, the lunatic asylum—and I have no desire to see these institutions with a full house. Drink, Mr. Chairman, never brightened a home, never made a happy wife or mother, never gladdened the heart of a child, never made one of God's creatures wiser or better. And all of us want to make happy homes, I am sure. [Applause.]

What do you want with liquor? Put it away—far away. It is like a glandered mule in a stable of healthy stock, a cockle-bur in young corn, crab grass drawing away the life from the cotton plant. Dig it up; hang it on the fence where the rains can drench it, the winds blow through it, and the sun burn it up. [Applause.]

They have got ashamed of the word "bar," which word is succeeded by the word "buffet"—but the poison is there all the same, simply sugar-coated—the poison is there. Buffet! A word to juggle with.

Burns summed up the philosophy of human life in this couplet:

To make a happy fireside climb for weans and wife,
That's the true pathos and sublime of human life.

Mr. Chairman, I saw an article in the New York Sun, a paper that I read with more pleasure than any other—the smartest paper published on American soil—in which a gentleman suggested a commission to look into the question. To look into the question! Most questions have two sides, but the question of drink has but one. Human intelligence is staggered when taxed to give a reason why drink should stay in the land. I do not believe in fanatics; but no man can be a fanatic, in my judgment, on the liquor question. Oh, the woes it has caused, the lives it has blighted, the homes it has desolated! The only sad sight I have seen since I have been in Washington is the black Maria as it comes through the streets early in the morning carrying along the poor fellows troubled by drink. It is not these poor fellows alone who suffer, it is the mothers, the wives, the children, the friends. [Applause.]

Mr. Chairman, I have sometimes thought of this: Suppose every man when he starts to work in the morning would take the amount which in the progress of the day he will spend for liquor and throw it in the mouth of the first open sewer. What a stupendous sum it would be! More than a million dollars a day, and you might say here is waste, stupendous waste, and yet is that true? No; it would be far better for himself and for those whom God has committed to his care if he would make that disposition of the money, for what he gets does not help him, but tends to his destruction.

Oh, if we can look upon those we love who are coming after us and see them as they round into life with clear eyes and steady nerves, we can rest assured that no rough waters will swamp them and no reefs will mark their wreck, and it will be infinite happiness to those who love them when they can see these things, and we will be willing to go hence with a contented spirit because we will know those who are dear to us are safe.

When I announced for Congress, Mr. Chairman, there was some complaint by those who wanted to grumble that I didn't have a platform. They wanted me to issue a long platform like the others, but I told them I was not going to have a platform longer than the term, and they finally consented to take this view. [Laughter.] I told them I was going to do what was right, that they would be proud of me, and from the letters I am getting from my far-away home I am sure I am coming to time. I am thinking of the people at home. I am loving them because they have been good to me. They are a brave people, they pay their debts, they meet all requirements of good citizenship, they fear God and keep his commandments. They made themselves busy when I was making my race, sponging out my errors, trying to find some good. The campaign was a short one, and as they kept themselves busy in the work indicated they had the slate in pretty good shape on January 11, 1917.

I represent, Mr. Chairman, the most intelligent district on American soil, largely an agricultural district with a good sprinkling of manufacturing. You can tell a tree by its fruits. God bless the people of the eighth district. I love them, they love me, and may they keep in their present frame of mind. When any of you gentlemen desire to know about me you can refer to the Congressional Directory, page 19, in which I relate the more prominent events in my somewhat tempestuous life.

I do not see much difference between the Democrats and the Republicans; all of them are patriotic and they differ only when they vote. Whenever you see the Democratic majority dwindle, be assured the matter will be righted at the next assizes. It is simply a case of arrested mental development, which is subject to treatment. [Laughter.]

In conclusion, I want to express my love and admiration for our Speaker. I do not want to go hence without giving expression to it. I think of him in connection with the great things in nature—the big trees in California, the Everglades in Florida, the geyser spouts of the great Northwest, the Falls of Niagara, the hot springs of Arkansas, like the eagle he flies high and he blows his breath upon the sun. Framed in the prodigality of nature, the spacious earth may not again produce him. May he have what he deserves, and when he has that he will have more than he can ever desire. [Applause.] I used to think, Mr. Chairman, when my mind was immature and before I got here in this body—which is the repository of all wisdom—that the country, like fodder, had to be saved every year, but I know better now. When I see Mr. MANN on the one side and Mr. KIRCHIN on the other, each pulling apart, I know that the old ship is going straight. When I look at these gentlemen I am reminded of two steers, each one trying to pull the vehicle to his own side and through their united contrary efforts the wagon is kept in the middle of the road.

Mr. Chairman, if any complaint be made that this speech has no beginning and no middle, I desire to call attention to the fact that it has an end. I never lacked terminal facilities. [Laughter.]

I know and feel now that when I have gone hence I will remember the pleasant days spent here—the happy days!

And, Mr. Chairman, when I leave here, before I go home, I am going to New York to see my three grandchildren—Tinsley, Cason, and Embry. That a kind Providence may watch over, protect, and guide these little kids is the earnest prayer of their old granddad.

And the same to a little baby granddaughter, Nellie Peters, whom I will find at home. [Great applause.]

Mr. MANN. Did the gentleman use all his time?

The CHAIRMAN. The gentleman yields back one minute.

Mr. KAHN. I yield 15 minutes to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Chairman and gentlemen of the committee, I do not know that I shall use the entire 15 minutes allotted to me, but I desire to make a few observations on this bill. In the first place, as a member of the minority I feel that I ought to say that we have appreciated the kindness and considerate treatment which we have received at the hands of our chairman [Mr. DENT] [applause] in the consideration of the bill now pending before you. When Congress convened in December the Committee on Military Affairs found itself confronted with the duty of making appropriations to take care of the national-defense act which we passed in the last session of Congress. Many new appropriations had to be made, and it was a considerable task to have the hearings and to get the bill ready to report to the House. When we started to consider the bill I stated, and I think it was the opinion of every member of the committee, that it was our duty to see that every branch of the national-defense act was properly taken care of by making appropriations sufficient in order that there might be no criticism of the committee. We have done that,

in my judgment. We have not appropriated the limit asked for in some estimates, but we have tried to consider the matter from a business standpoint and to give every dollar that will be necessary to maintain and take care of the national defense for the year 1918. In the matter of the pay of the line of the Army, as was spoken of by the chairman of the committee on yesterday, I feel that we have made sufficient appropriation for that purpose, but I am reminded now of some things I said in this House when we were considering the national-defense act, when I said it would be utterly impossible to get the men to make up the authorized Army of the United States unless we raised the pay or resorted to conscription.

The truth of the statement I made at that time has been demonstrated by the fact that we have not got the men to-day, and I fear we will not get them. But this bill will take care of the men we have in the Army, and not only that, it will take care of the National Guard, the training in the schools, the summer camps, the Officers' Reserve Corps, and the hundred other things that are provided for in the national-defense act. And surely the committee can not be criticized for being little in the amount appropriated for the national defense. There may be some criticism, however, of our committee from the fact that we have not reported any substantive legislation, that we have not undertaken to change the national-defense law enacted at the last session of Congress. There may be some criticism of us because we have not reported a bill providing for universal military training or compulsory military service.

Now, I want to say to you, gentlemen of the House, that so far as I am personally concerned I feel that the reason for the failure to bring in any particular amendment to the national-defense act is not altogether with the committee, but that it rests particularly with the War Department and with the Secretary of War. And I want to say that, as I understand it, there will be an effort made in this House to put some amendments onto this bill providing for the increase of the General Staff. Now, I wish to say here that so far as I am personally concerned I have been convinced by observing the operations of the armies in Europe that a strong general staff is the main reliance of an army. I think it has done more to keep Germany at the front than perhaps any other one thing in its military establishment. I am ready, and have been ready, if the War Department feel that they need a larger staff, to give it to them, but I wish to say to the House that the Secretary of War did not take the individual members of that committee into his confidence and neither did he come before us and say he wanted this legislation. Otherwise we might have reported such a proposition. But he submitted his proposition to our chairman, and he had certain views upon that matter, or felt the unwisdom of undertaking to report it, and he simply asked us to report the substitute, and so far as I am personally concerned I feel that the individual members of the committee are not responsible for refusing to bring in that sort of a proposition to the House. Another thing. We did not even take up the matter of universal military training or universal compulsory service, for the very good reason that no bill was submitted to us and for the further reason that we felt it was utterly impossible, a physical impossibility, to undertake to consider a measure of such importance in the limited time that we would have between now and the 4th of March.

Furthermore, I wish to say this, that heretofore I have felt that it would be turning our backs upon all the history of our country to depart from the volunteer system to that of compulsory military training or compulsory military service. [Applause.] But I believe, however, fellow Members of this House, that the people of this country are drifting toward universal military training and compulsory military service, and that the time is coming when we must report some such proposition to this House and let the Members determine whether or not it shall be adopted.

I further will say that I want the American people from now until the next Congress convenes to begin to study this great question. They should study it in all of its details. It is an easy matter to get up and say, "I believe in universal military training," or, "I believe in compulsory military service," but what is to be the concrete plan? Are we going to train all the young men of this country for six months or one year and at the same time maintain a large standing Army, at the same time maintain the National Guard, and at the same time train boys in school and at summer training camps?

Personally, if the volunteer system, which is now evidently on its last and final trial, shall fail under the national-defense act which we passed a few months ago, and we go to universal military training or universal military service, I am in favor of taking the boys and putting them in the Army for one year. I am not in favor of simply giving them military training, and

I differ from my friend from Massachusetts, who undertakes to say that he favors military training but not compulsory service. I maintain if we are going to give up the volunteer system, let us have compulsory military service that means something. If we train a boy for a year in the Army of the United States, let him be subject to the call, and not train all the boys for a year and then when war comes only the heroes volunteer. I want the son of the rich man under those circumstances to have to go to the war the same as the son of the poor man. [Applause.] If we are going to have it universal, let it be universal, with no exceptions, no exemptions, and let us stand squarely on that platform. That is where I stand on that proposition, and I believe, my friends, it is coming, and we might as well begin to think about it seriously and the plan we are going to adopt. Do not let us saddle onto the people of this country compulsory military training and all the additional expense that we are now putting the people to in this country to maintain what is called a deficient system of national defense. I am only in favor—

Mr. RICKETTS. Will the gentleman yield?

Mr. McKENZIE. I have not the time.

I am only in favor, however, of preparing my country for national defense and for the protection of American rights. I do not agree with Col. Harvey when he suggests that we send American boys across the seas to fight on the side of the allies. Fellow Americans, I am not in favor of taking the American boys and putting them into a conflict or a war between crowned heads. [Applause.] I am only in favor of training the American citizen to uphold our flag and defend our rights on land and on sea. I do not favor the proposition I have heard asserted on this floor that in order to maintain our rights against Germany we must become an ally of England, or in order to maintain our rights against England we must become an ally of Germany. [Applause.] We should take the position that we stand for American rights and not for some other country, simply as an excuse to maintain our rights.

Now, fellow Members of the House, I am not going to take any more time, and I will yield back the remainder of my time, if I have any left, to the chairman of the committee. [Applause.]

Mr. KAHN. Mr. Chairman, how much time did the gentleman use?

The CHAIRMAN. He yielded back four minutes.

Mr. KAHN. Mr. Chairman, I will yield 15 minutes to the gentleman from New Jersey [Mr. PARKER], a former member of the committee.

The CHAIRMAN. The gentleman from New Jersey is recognized for 15 minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I want to begin by expressing my great appreciation of the remarks of Mr. McKENZIE you have just heard, with every word of which I agree.

This bill is a bill that has two features. One is the maintenance or support of the Army, including the National Guard and the matters referred to in the national-defense act. The other part of the bill is perhaps much more important. It is the provision of arms and munitions which will enable us in case of an emergency to call our people to the aid and defense of our Government, to maintain peace and our rights as neutrals.

We have 21,000,000 men in this country between the ages of 18 and 45—the period defined by the fathers of the country under the provision of the Constitution which said that Congress should have the power "to provide for organizing, arming, and disciplining the militia." By the "militia" they meant all those people between 18 and 45 years of age. We have 21,000,000 of them.

Now, we should provide for arming them. We have now, instead of 21,000,000 rifles, 400,000 Krag and about 300,000 or 350,000 Springfields, besides the 250,000 which are held by the Army and the National Guard.

Mr. DIES. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. PARKER of New Jersey. I ask that the gentleman do not interrupt me now. I will give him time afterwards. I am dealing with figures now.

The CHAIRMAN. The gentleman declines to yield.

Mr. PARKER of New Jersey. That is all that we have. The Congress did well last session. They provided \$5,000,000 instead of \$250,000 for the manufacture of rifles. Instead of making 12,000 rifles, we can now make 300,000 a year when our factories get thoroughly to work. I believe they are making only 200,000 a year now, but with 300,000 a year it will take 70 years before we can supply the able-bodied population of this country with a rifle apiece. We ought to make more rifles, because we

may have to call out our people, even if our Navy holds off the enemy a year or so, in perhaps a year or two years. We have not the factories to do this. There are factories making English rifles, but they are of a different caliber. They will not use our cartridges; and dies, gauges, and jigs have to be made before they can make rifles for our ammunition.

It is about the same with reference to field guns; perhaps worse. There is \$12,000,000, I believe, appropriated for field guns in the fortification bill and \$10,000,000 in this bill. As I understand the cost and number of field guns required for the mobile Army, according to the last report, we make enough field guns for about 100,000 men a year, which would supply the 21,000,000 men in 210 years. It is not enough, if you are looking toward emergencies. It is the same with ammunition. I will not go into details. I am stating round figures.

But there is another thing you want to do. The gentleman from Illinois [Mr. McKENZIE] has spoken well of the different systems of training our youth. One way is to have compulsory military service for every man who becomes 19 years of age. There are over 800,000 of them every year, and they are to go into a reserve, so that they can not pass the rifles on from one year to the next.

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. I can not yield.

Mr. DIES. Mr. Chairman, I make the point that there is no quorum present.

Mr. PARKER of New Jersey. Would the gentleman withdraw that point? I do not want the House to be disturbed in that way. I did not mean to be offensive. I will yield if desired.

The CHAIRMAN. The gentleman from Texas [Mr. DIES] makes the point of no quorum. The Chair will count. [After counting.] Fifty-four Members are present—not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Bacharach	Dooling	Kearns	Roberts, Mass.
Barchfeld	Drukker	Keating	Rowland
Barkley	Dupré	Kennedy, R. I.	Rucker, Mo.
Beakes	Edwards	Kent	Sabath
Beales	Estopinal	Kettner	Schall
Benedict	Fairchild	Lafean	Scott, Pa.
Bennet	Farr	Lee	Scully
Blackmon	Ferris	Lever	Sears
Browning	Flynn	Lewis	Sells
Bruckner	Gard	Liebel	Shackleford
Burgess	Glynn	Loft	Sherwood
Butler	Gould	Loud	Siegel
Campbell	Graham	McCulloch	Slemp
Carew	Griest	McDermott	Smith, Idaho
Casey	Hamill	McGillcuddy	Smith, N. Y.
Chandler, N. Y.	Hart	McKinley	Smith, Tex.
Charles	Haskell	Maher	Sparkman
Clark, Fla.	Hastings	Matthews	Stout
Cline	Hayes	Meeker	Swift
Coady	Helvering	Mondell	Taggart
Coleman	Henry	Montague	Tague
Conry	Hicks	Mooney	Talbott
Costello	Hill	Mudd	Tinkham
Dale, N. Y.	Hinds	Nelson	Winslow
Danforth	Hulbert	Oglesby	Woodyard
Darrow	Husted	Patten	
Davenport	Johnson, S. Dak.	Phelan	
Dewalt	Jones	Pou	

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the Army appropriation bill (H. R. 20783), finding itself without a quorum, he directed the roll to be called, whereupon 325 Members, a quorum, answered to their names, and he reported the names of the absentees to be entered on the Journal.

The SPEAKER. A quorum having appeared, the committee will resume its session.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill (H. R. 20783), with Mr. SAUNDERS in the chair.

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] will proceed.

Mr. PARKER of New Jersey. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. PARKER of New Jersey. However unwilling I have been that the House should be delayed by the roll call, I suppose I ought to thank the gentleman from Texas for getting an audience for me. I was saying that we had no rifles or munitions for our 21,000,000 able-bodied men, and could not get them for 70 or 100 years at the present rate; that we had not enough for the 800,000 young men of 19 years of age who would come out yearly under the proposed system of military training. We have not enough, if we want to train our 5,426,000

boys between the ages of 15 and 20. There are nearly 1,800,000 of them in the common schools. There are also 673,000 in public and private high schools. There are 250,000 in the colleges. There are 75,000 or 100,000 in professional schools. In the name of military training, are we going to call our men to arms without any arms to give them, as England did when for two years she could not send her men forward because of the lack of arms? Are we going to pretend to have military training without arms, whether in our schools or outside? Gentlemen talk of the Swiss. The Swiss have only a short military training in the field, but for four or five years they receive military training in their schools, and when a man gets through with his training in the camp he is given his rifle, and he takes it home and keeps it in his house as a freeman until he is past the age of military service, and he is always ready to turn out with his gun at any moment. That is what makes for peace. But we can not have that training without arms.

It is still more so as to officers. We sent 150,000 men down to the border recently. They were called the National Guard, but it is not fair to put all their faults on the National Guard. The National Guard has a peace strength under the statute which is only half its war strength. That is all wrong. The peace strength ought to be double the war strength, so that we could call only the younger men to go to the front, and still have the benefit of the older men to help train the younger men and to help take care of riots and for home duty. But the result of that peace strength of 50 men to a company, with more than 100 men to a company when they got to the border, was that they sent a lot of boys down there, real good fellows, who knew nothing whatever of military service, and the question was where to get men to train them. We had no Regular Army officers to spare, because all their companies had been enlarged at the same time, and every one of them was needed with his own company and could not go to train the militia. We had not the trained graduates of West Point, nor the men trained in the work of an army, to take care of the 150,000 of our National Guard. What would we do if we had to take care of 900,000 men and they were asked to come out next year to be trained, all 19 years of age and all knowing nothing about war? And what would we do if we ordered our school-teachers to train their boys? Where are the military teachers for those schools to give them real training? And half training is worse than none, because a man who is half trained thinks he knows it all, and the man who has no training does not think so. We need trained military men in the community. We do not want shoulder straps. I believe that the one remedy, next to providing arms, is to establish military academies like West Point, under the same discipline and drill, that would have 50,000 boys in them, who, when they graduated, would be ready either to take command of an army of volunteers called into the field or to take charge of military training in our schools. Those 50,000 cadets would be an army in themselves, and could have maneuvers of themselves every three months in the summer. They could have maneuvers such as we have never seen before, and would introduce the large tactics as well as the full training. It is tools and teachers, brains and arms, that we need if we are to defend the country in an emergency, and it is with that view that I look on this bill rather than on the question of the splendid little Army that we have.

Mr. EMERSON. Will the gentleman yield?

Mr. PARKER of New Jersey. I yield to the gentleman.

Mr. EMERSON. I see the gentleman has a great deal of knowledge and experience on the subject. I would like to ask him what is a trained soldier?

Mr. PARKER of New Jersey. Does the gentleman mean officer or man?

Mr. EMERSON. A man.

Mr. PARKER of New Jersey. A man is a trained soldier who knows how to shoot straight, to obey orders, and to get there. He needs to be able to march 30 miles a day, to shoot straight whether he is firing by volley or by himself, and he needs to know how to obey orders. It takes some time to teach that.

Mr. EMERSON. About how much time should it take to train an inexperienced man so that he will become trained?

Mr. PARKER of New Jersey. If he knows how to shoot and has the right training from the right kind of an officer, and, what is more important, has the right kind of companions alongside of him whom he can imitate, a recruit can go into the Regular Army and learn to be a fairly trained soldier in about three months; but if a bunch of men go in together who do not any of them know how to do anything no officer can drill them in three months. Is there any other question?

Mr. DIES. Does the gentleman want to train the American youth to go across the ocean to fight across the water?

Mr. PARKER of New Jersey. No, sir.

Mr. DIES. Or does he want to train them to stay at home and defend their liberties?

Mr. PARKER of New Jersey. I want to train them at present to defend our rights as neutrals. I see no reason for doing anything else.

Mr. DIES. To go across the water?

Mr. PARKER of New Jersey. I see no reason now to do anything of the sort. There might be some reason under some circumstances, but those, I hope, will never arise.

Mr. DIES. I should like to ask the gentleman this further question: In view of our present international relations, with American commerce practically barred from the high seas, does the gentleman approve of the President's course?

Mr. PARKER of New Jersey. I have not brought up any question of that sort. I stand by my President wherever I can, and I have not discussed his action. The other day I gave some history of what the United States did in 1798. I refused then to answer questions as to my opinion, because I will not embarrass the Executive. The gentleman speaks of going across the water. We had to send troops across the water once into Mexico, and we might have to defend the Monroe doctrine in South America. There are cases which can be imagined in which America might have to do the like, but at present we are trying to defend our neutrality and maintain the peace, if necessary, by force. [Applause.] Mr. Chairman, I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. PAGE of North Carolina, having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On February 9, 1917:

H. J. Res. 358. Joint resolution authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect in March, 1917, etc.;

H. R. 10173. An act for the relief of Anna O. Parrett; and

H. R. 11745. An act for the relief of S. E. Bennett.

On February 12, 1917:

H. R. 7763. An act for the relief of Stephen J. Simpson.

On February 14, 1917:

H. R. 21. An act authorizing the city of Salida, Colo., to purchase certain public lands for public park purposes;

H. R. 1358. An act for the relief of Everett H. Corson;

H. R. 1609. An act for the relief of S. L. Burgard;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 10124. An act to add certain lands to the Rocky Mountain National Park, Colo.;

H. R. 11150. An act for the relief of mail contractors;

H. R. 15314. An act to punish persons who make threats against the President of the United States;

H. R. 20453. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 13831. An act to amend section 4464 of the Revised Statutes of the United States, relating to number of passengers to be stated in certificates of inspection of passenger vessels, and section 4465 of the Revised Statutes of the United States, prescribing penalty for carrying excessive number of passengers on passenger vessels, and section 4466 of the Revised Statutes of the United States, relating to special permits for excursions on passenger steamers;

S. 3681. An act for the relief of the owners of the steamship *Esparta*;

S. 5985. An act authorizing the Commissioner of Navigation to cause the steamship *Republic* to be enrolled and licensed as a vessel of the United States;

S. 7779. An act to authorize the change of name of the steamer *Frank H. Peavey* to *William A. Reiss*;

S. 7780. An act to authorize the change of name of the steamer *Frank T. Heffelfinger* to *Clemens A. Reiss*;

S. 7781. An act to authorize the change of name of the steamer *George W. Peavey* to *Richard J. Reiss*;

S. 7782. An act to authorize the change of name of the steamer *Frederick B. Wells* to *Otto M. Reiss*; and

S. 7963. An act to prohibit the manufacture or sale of alcoholic liquors in the Territory of Alaska, and for other purposes.

On February 15, 1917:

H. R. 5262. An act for the relief of John B. Hoover;

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 11685. An act for the relief of Ivy L. Merrill; and

H. R. 14784. An act for the relief of Alma Provost.

S. 1553. An act for the relief of Peter Kenney;

S. 2880. An act for the relief of Martin V. Parmer;

S. 5203. An act for the relief of Gardiner L. Eastman;

S. 7713. An act granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation;

S. 1740. An act to repeal an act entitled "An act granting to the city of Twin Falls, Idaho, certain lands for reservoir purposes," approved June 7, 1912, and to revoke the grant made thereby;

S. 3743. An act to reimburse John Simpson;

S. 5014. An act to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for other purposes;

S. 6956. An act to authorize the construction, maintenance, and operation of a wagon bridge across the St. Francis River at a point one-half mile northwest of Parkin, Cross County, Ark.;

S. 7367. An act to authorize the construction and maintenance of a bridge across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark.;

S. 7556. An act to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge, and approaches thereto, across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio; and

S. 7924. An act authorizing the county of Beltrami, Minn., to construct a bridge across the Mississippi River in said county.

ARMY APPROPRIATION BILL.

The committee resumed its session.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I hope that no one will interrupt me or ask me to yield, because I have such a short time and I do not want to appear to be discourteous. Gentlemen, your committee has brought out a bill carrying an aggregate of \$247,000,000 for Army national defense. Although the country may not know what it is all for, every man in this House ought to be familiar with the fact that it is for the defense of this country and not for war. It is true that we are building up the nucleus of an army upon and around which an army for war can be built if necessary. This bill does not meet with the approval of the great jingoes, but it ought to meet with the approval of every just and patriotic man who has the proper regard for both defense of his country and the taxpayers. [Applause.]

We have provided a good bill. Of course we could not go to the last farthing desired by some of the General Staff and the Secretary of War. Your committee does not want to be put in an attitude that they are insipid or have no regard for the taxpayers by spending and wasting all that anybody may come before the committee and ask for. Therefore we have exercised good common horse sense, after due deliberation from the early part of December until the bill was reported to the House, and every item is just and can be well explained. Aside from the standing army and the 175,000 active National Guardsmen, we have several hundred thousand trained annually in schools and colleges and about 60,000 in the Federal training camps.

The House has appropriated for fortifications over \$62,000,000. The House appropriated for the Navy \$368,000,000, and, with this bill, amounting in all to \$707,000,000 for defense. Who wants more? Can the man who has any regard for the taxpayers desire more? Your Navy, gentlemen, has been well cared for. I will put into my speech what Congress has appropriated for the Navy from 1883 down to and including this year:

INCREASE OF THE NAVY.

The appropriations under the "Increase of the Navy" recommended are necessary to carry out the construction of the vessels authorized to be begun in the last naval appropriation act and those authorized to be begun in this bill and can not be reduced. These appropriations, in addition to carrying the funds necessary for the entire construction of the ships for the next fiscal year, provide for the ammunition necessary for the various ships.

Summary of all appropriations for the new Navy, Feb. 22, 1883, to Sept. 8, 1916.

Year, Congress, and session.	By naval appropriation acts.	Miscellaneous acts.	Total.
1883 (47-2).....	\$16,037,512.23	\$882,776.57	\$16,920,288.80
1884 (48-1).....	8,931,856.12	1,757,293.14	10,689,149.26
1885 (48-2).....	21,490,929.54	1,145,386.43	22,636,315.97
1886 (49-1).....	16,480,556.72	922,143.49	17,411,700.21
1887 (49-2).....	25,786,847.79	37,257.79	25,824,105.58
1888 (50-1).....	19,943,281.05	1,034,551.56	20,977,832.61

Summary of all appropriations for the new Navy, etc.—Continued.

Year, Congress, and session.	By naval appropriation acts.	Miscellaneous acts.	Total.
1889 (50-2).....	21,692,510.27	1,963,027.17	23,655,537.44
1890 (51-1).....	23,136,035.53	2,318,815.22	25,454,850.75
1891 (51-2).....	31,541,645.78	1,234,394.86	32,776,040.64
1892 (52-1).....	23,543,265.65	450,972.19	23,994,238.84
1893 (52-2).....	22,504,061.38	121,553.68	22,625,615.06
1894 (53-2).....	25,396,826.72	325,073.75	25,721,900.47
1895 (53-3).....	29,416,077.31	170,578.78	29,586,656.09
1896 (54-1).....	30,862,660.95	596,161.18	31,458,822.13
1897 (54-2).....	34,128,234.19	705,216.85	34,833,451.04
1897 (55-1).....	557,561.02	557,561.02
1898 (55-2).....	56,098,783.68	88,458,157.09	144,556,940.77
1899 (55-3).....	48,099,969.58	9,197,600.20	57,297,569.78
1900 (56-1).....	61,140,916.67	5,808,369.95	66,949,286.62
1901 (56-2).....	78,101,791.00	4,918,299.23	83,020,090.23
1902 (57-1).....	78,858,761.07	6,488,584.22	85,347,345.29
1903 (57-2).....	81,876,791.43	3,116,905.56	84,993,697.99
1904 (58-2).....	97,505,140.94	6,347,029.97	103,852,170.91
1905 (58-3).....	102,836,679.94	15,623,217.62	118,459,897.56
1906 (59-1).....	102,371,670.27	3,443,672.23	105,815,342.50
1907 (59-2).....	99,971,449.79	921,982.19	100,893,431.98
1908 (60-1).....	122,666,133.27	7,347,029.33	130,013,162.60
1909 (60-2).....	136,935,199.05	3,107,456.80	140,042,655.85
1910 (61-2).....	131,510,246.01	1,706,447.18	133,216,693.19
1911 (61-3).....	126,478,338.24	1,340,343.24	127,818,681.48
1912 (62-2).....	\$128,908,196.95	\$830,858.92	\$129,739,055.87
1913 (62-3).....	141,030,643.53	1,499,720.94	142,530,364.47
1913 (63-1).....	193,802.80	193,802.80
1914 (63-2).....	145,503,963.48	2,750,368.93	148,254,332.41
1915 (63-3).....	149,763,583.45	1,270,344.58	151,033,928.03
1916 (64-1).....	312,888,060.25	5,324,147.32	318,212,207.57
Total.....	2,553,407,600.84	183,917,091.18	2,737,324,692.02
Total expenditures for the Navy from 1884 to 1916, inclusive.....	2,318,862,303.09

Appropriation for 1917, \$368,000,000.

We have carried into the bills everything that a sensible and practical people in times of peace could expect, but gentlemen, we have in our country some propaganda that is endeavoring to inflame the minds of the American people and make them think that Congress is doing nothing to protect the Nation. I will put into the RECORD what the gentleman from Texas [Mr. CALLAWAY] said, touching the propaganda of this country.

Mr. CALLAWAY. Mr. Chairman, under unanimous consent, I insert in the RECORD at this point a statement showing the newspaper combination, which explains their activity in this war matter, just discussed by the gentleman from Pennsylvania [Mr. MOORE]:

"In March, 1915, the J. P. Morgan interests, the steel, shipbuilding, and powder interests, and their subsidiary organizations, got together 12 men high up in the newspaper world and employed them to select the most influential newspapers in the United States and sufficient number of them to control generally the policy of the daily press of the United States.

"These 12 men worked the problem out by selecting 179 newspapers, and then began, by an elimination process, to retain only those necessary for the purpose of controlling the general policy of the daily press throughout the country. They found it was only necessary to purchase the control of 25 of the greatest papers. The 25 papers were agreed upon; emissaries were sent to purchase the policy, national and international, of these papers; an agreement was reached; the policy of the papers was bought, to be paid for by the month; an editor was furnished for each paper to properly supervise and edit information regarding the questions of preparedness, militarism, financial policies, and other things of national and international nature considered vital to the interests of the purchasers.

"This contract is in existence at the present time, and it accounts for the news columns of the daily press of the country being filled with all sorts of preparedness arguments and misrepresentations as to the present condition of the United States Army and Navy, and the possibility and probability of the United States being attacked by foreign foes.

"This policy also included the suppression of everything in opposition to the wishes of the interests served. The effectiveness of this scheme has been conclusively demonstrated by the character of stuff carried in the daily press throughout the country since March, 1915. They have resorted to anything necessary to commercialize public sentiment and sandbag the National Congress into making extravagant and wasteful appropriations for the Army and Navy under the false pretense that it was necessary. Their stock argument is that it is 'patriotism.' They are playing on every prejudice and passion of the American people."

Is there any man who doubts the influence that is operating on the great daily press of this Republic? The honest newspapers are doubtless affected by the interest-controlled portion of the great dailies in certain centers, and this coined sentiment is in a measure unconsciously reflected by many of them. So the baneful influences reach out and ramify through every State in this Union for the purpose of misleading and warping public opinion. They have not only stirred the people, but right here, while we are on the verge of breaking with a foreign country, you have the bloodthirsty press of this country endeavoring to inflame the public mind. You find some men in high authority endeavoring to do that. They are endeavoring to force America to fight on foreign soil under the joint banner of a King and Czar. They are mad at the President and Congress

because our country is at peace. I am sorry to say that the papers carry the news that two distinguished ministers, followers of the lowly Nazarene, are attempting to inflame the public mind, and when attacked on the floor of the House justify their position by endeavoring to make the Son of the Lord, the Savior of the world, appear as a great giant with fire and sword, teaching the doctrine of rapine, murder, and bloodshed instead of peace, good will, and the salvation of mankind. I have never heard that doctrine preached before, and I am sorry to hear it now. Not only that, but some great power is endeavoring to make the American people believe that we are an enervated and effeminate people. An ex-officer of the Navy made a speech the other night in New York, in which he stated that the American people are effeminate, and the reason he gave was that they wear silk stockings, ride in automobiles, and wear kid gloves. If that distinguished ex-naval officer would look around, go out of the little circle he travels in, he would find that the great majority of the people of this country are strong and vigorous. [Applause.] Just because he sees some few Charlie boys in a few cities who wear corsets and a monocle he thinks everybody is effeminate; because he sees some rich and degenerate fellow in that class he thinks all the people who are rich are effeminate. I wish he would go out in the byways and hedges of this country. Even in the great cities he would find that the great financiers and business men work 18 hours a day, are strong, virile men, ready to fight for their country. He would find in the city of Washington 90 per cent of the men in every walk of life strong, vigorous, and virile. [Applause.]

Mr. DIES. Will the gentleman yield?

Mr. QUIN. I can not yield. He would find all over the Republic 95 per cent of the men are strong, virile, and vigorous. If he would go to the great sawmills, the great mines, or to the railroads, the shops and factories and oil fields, he would see workmen who are strong and virile; and if he would go on the farms he would see 98 per cent of these patriotic men with calloused hands and many with Army and Navy patches on their breeches, strong, active, brave, and patriotic, ready to defend their country at all times. Would he call all of these wealth producers—laborers, business men, and professional men—effeminate? His indictment of the American people is false, and I here denounce it. [Applause.]

But aside from that we have others of his class endeavoring to bring on compulsory military service for the people of this country. The bill has already been introduced and brought out by the Senate committee to that effect. I have it in my hand, and, in my judgment, it is subversive of the liberties of the people. You had better begin to gird on your armor to fight this propaganda.

My friends, this measure has in it all of the provisions and instrumentalities of tyranny. It has in it more than that. It has in it the teeth of a dragon to bite into frazzles the liberties of the people. [Applause.] It is honeycombed with deceptive snares. It is artfully touched with demagoguery. It is a monstrosity in times of peace. It is worthy of the Dark Ages. Gentlemen, will you stand for it? Will you stand for that kind of a measure, that would put all of the powers of a despot in the hands of the President? [Cries of "No!"] Never in the Dark Ages was there a tyrant who had the unbridled power for oppression that is unstintingly given in this bill for compulsory military training, and if put through the Congress would put into the hands of the President of your Nation the power to conscript every man between 19 and 28 years of age into the Army. We have heard that when the three wise men reported that Jesus was born into the world old King Herod sent out a proclamation that every newborn babe be killed. This bill, if adopted, will give the President power to send out a proclamation in the United States to be posted in the post offices and at the consular offices by which every man of the 9,000,000 men between the ages of 19 and 28 years shall go up and register and go into the service to be compulsorily trained, and that he shall be in the Reserve Corps of the Army, subject to the call of the President, for nine years. Not only that, my friends, but they put upon the proposition the power vested in the President to say what all of the regulations shall be. It puts upon the President the power to say that these men shall go upon the high seas or that they shall serve in the Regular Army of the United States. Negroes and whites alike would be drilled side by side and, of course, put on equality while in training and in the Army. This measure is absolutely subversive of all of the best ideals and traditions of our Republic. You have in the great papers that are sending forth this propaganda, in the controlling military men of our Nation, all of the forces coupled with wealth and aristocracy to trample on the rights of the people of the Nation. [Applause.] Not only that, but the exceptions in the

bill show the handiwork of a wily and artful dodger. They propose to leave out the people who belong to certain sects and religions who do not believe in fighting, and I guess a great many would like to belong to that organization. They propose to leave out every man who has dependent upon him a wife or a father or a child. They propose to train criminals and men of bad character all in one unit. I guess that would be called the regiment of bad men from Bitter Creek.

Then they propose to establish a court, and this measure has in it a provision to give all of the powers of court-martial to an autocrat, to an Army officer, and, in the event these people would not go and register, it is proposed they be fined \$1,000 and 12 months in jail. If this court-martial tribunal did not give justice, the district Federal court would be appealed to. My God! What chance would a poor man have? Not only that, but every man between 19 and 28 years of age who had not served in the Army or who did not have a certificate of exemption would be forced out of employment, because the man that would employ him would be subject to the same offense, to be tried by the same court, with the same penalty. Not only that, but the men who would be conscripted for this military training or service would be put into an army called the reserve army corps, to serve there from the age of 19 until he was 28. After being trained six months the first year, he would have to report one certain place at a stated day every year thereafter. He would be subjected to call by the President at any time till he is 28. I have figured that the expense of it would be at least \$1,000,000,000 a year. You would have fastened as heavy expenses on this Nation a lot of retired Army officers in 30 years that would be much larger than the whole standing Army of your country to-day. Every one of these conscripted citizens of the United States under the bill would have a pension under the same conditions as the veterans of the Spanish War. Do you believe the American people would tolerate such things as that in time of peace? [Cries of "No!" "No!"] These people who are proposing that propaganda expect Congressmen to sit down and die of dry rot and do nothing to prevent it. Is it possible that the American people are, during these times of peace, to be swept off their feet by the militarists and propagandists that would allow in this hysteria a law to become effective that would deprive them of their liberties and that would be destructive of the traditions and the foundation stones of their Government? [Applause and cries of "No!"] It goes to the very foundation stone and the root of all of the liberties of our people, and if the American people have such a law as that put on them, the party that is responsible for it would be driven out of power, and the individual Congressmen who are sponsors for it would undoubtedly be scourged from their seats of office. [Applause.] But still we have from one end of this Republic to the other this poison gradually being trickled down from one point to another into every strata of society. It is an influence that is working more iniquity, it is an influence that is doing more harm and overriding more of the rights of the people than all of the corporate influences that have ever yet been exerted in the legislative halls of the Nation, and yet we find no newspaper in the city of Washington or in the city of New York that writes a single line against this propaganda. You find it urged by every sinister influence of the Nation. I shall fight it to the last ditch. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DENT. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. OLNEY].

Mr. OLNEY. Mr. Chairman, I ask for only 15 minutes of the time of the House because I believe that a new Member generally should be seen and not heard, though I would like to have about half an hour; but considering that I have only 15 minutes I will ask that I be not interrupted. We agreed as a committee to suggest or make no radical changes from the defense act passed June 3, 1916, and I desire to commend the able and efficient manner in which the chairman of our committee conducted his exposition of the bill. [Applause.] Should the National Guard fall down or weaken in its system, and I hope it will not and that it can meet the conditions of the act passed by this House June 3, 1916, I would suggest another system, and that is universal military training; and I want my district and the State of Massachusetts and the Nation to know that I am in favor of universal training and service as the most democratic system of military establishment. If you were to poll our committee you would find about one-third of it in favor of such a system, and about the same number of men in favor of the summer military training camps, and on our committee there are three colonels—I call them—members of the National Guard, who, too, I believe, are in favor of universal military training, and I shall call

them also battle-scarred heroes of the Spanish-American War; and if by chance there should be up in the Press Gallery there the editor or a representative of the Chicago Tribune, I ask him not to misquote my words as such words were misquoted at one time in the introduction of a speaker in the North at a great gathering. This gentleman introduced a colonel of the Civil War as a battle-scarred hero of the Civil War. The next morning the newspaper account appeared as "bottle-scarred hero" of the Civil War [laughter], and the colonel went to the newspaper editor and said, "You must retract." The editor said, "I will do so." The colonel said, "It means your life or mine if you do not." The next morning the editor did attempt to retract, but instead of it appearing as "bottle-scarred hero" it was "battle-scarred hero" of the Civil War. [Laughter.] In answer to a question of mine submitted to Gen. Scott he admitted that by the adoption of a system of universal military training we could materially reduce the Regular Army. An hour or so ago, coming out through a question which a Member asked as to what each soldier cost the German Government, I believe the figure is about \$240 per man, while our Army, including overhead charges, costs about \$1,000 per man. Therefore, if in the end we raise our various increments of the Regular Army it will cost our Government about \$200,000,000 to maintain its Regular Army.

The Argentine Republic has a regular army of only 5,000 men. They adopted some years ago a system of universal military training. Switzerland has but a small force. I believe this country could get along with a Regular Army of only 50,000 men and this Government might save \$150,000,000. If the National Guard should fail, and I do not want it to fail, I want it to meet the conditions, but the evidence comes to me in communications and letters that this system will fall down and when the terms of enlistment expire they will not enlist again. Let us then adopt the system of universal military training. I am flying in the face of the protests of the labor unions of my district, who have protested to me against the adoption of such a system, but I believe I am strong enough in my district to tell them wherein I believe that they are wrong. Why should my boy not serve his country as well as the boy of my next-door neighbor? [Applause.]

Mr. DIES. Mr. Chairman, will the gentleman yield?

Mr. OLNEY. Mr. Chairman, I decline to yield. I want more time and I can not get it. I will say my colleague from Tennessee, who made a splendid and able speech, referred to the system of universal training now in vogue in Switzerland. He mentioned 65 days as being required to train Infantry and 48 days the National Guard, but he should have stated 48 nights, and it is only one hour a night a week, or 48 hours during—

Mr. DIES. Will the gentleman yield?

Mr. OLNEY. No; thank you; I can not yield.

Mr. DIES. Mr. Chairman, this is so important everybody ought to hear it, and I make the point that there is no quorum present.

The CHAIRMAN (Mr. DRISCOLL). The gentleman from Texas makes the point of no quorum.

Mr. OLNEY. Mr. Chairman, I decline to yield.

Mr. DENT. Mr. Chairman, I make the point of order the gentleman can not be taken off his feet by the gentleman from Texas in this way.

Mr. OLNEY. Mr. Chairman, I decline to yield.

Mr. DIES. The point of no quorum, I understand, can be made at any time.

Mr. DENT. But the gentleman can not take the gentleman off his feet.

Mr. OLNEY. Mr. Chairman, I decline to yield, if that is proper.

Mr. HARRISON. Mr. Chairman, I submit when the point of order was raised by the gentleman from Texas that the gentleman speaking did not yield the floor at all and the gentleman from Texas, therefore, could not make the point of order of no quorum present.

Mr. OLNEY. Sixty-five days of intensive training in the Republic of Switzerland would probably be 600 or 700 hours a year as compared with the 48—

The CHAIRMAN. The Chair will count. [After counting.] The Chair finds 125 gentlemen present, a quorum.

Mr. DIES. Mr. Chairman, I demand tellers.

The CHAIRMAN. The Chair has counted and ascertained there are 125 Members present, a quorum, and the gentleman from Massachusetts having the floor will proceed in order. [Applause.]

Mr. OLNEY. Mr. Chairman, the system of military training has been in vogue in Switzerland since the thirteenth century and it is perhaps one of the most peaceful nations on earth. With a population of approximately 3,500,000 people, an area

twice the size of Massachusetts, it can mobilize an army of 240,000 troops within three days, and in 11 days a reserve army of 250,000. The Swiss Army within the past 20 years has captured 17 international trophies in rifle contests, one of which was held at Camp Perry, Ohio. At one time at a notable celebration 30,000 Swiss Guards were reviewed before the Emperor of Germany. He said to a Swiss officer, "Supposing 60,000 Germans would attack your force of 30,000?" The Swiss officer very quickly said, "They would just have to shoot twice, that is all," showing how confident was the Swiss nation of the marksmanship of its troops. I have referred to the intensive drilling of 65 days in infantry and 75 days for artillery, and 90 days for cavalry, but you must also realize that the Swiss youth starts to train when he is 12 years of age in calisthenics and athletic exercises in his school. That is why perhaps I am so enthusiastic for the establishment and propagation of Government training camps which were started in 1913 with an enlistment of only 222 men at Plattsburg, N. Y.

In 1914 these camps had approximately 660 men; in 1916, about 3,000. The camps are now under Federal supervision, and they are very successful, and there are sectional camps in various places in the Nation, and last year they trained—and the camps are ostensibly for training officers—about 16,000 men, who were enlisted in these camps last year, and it is expected that this year they will train at least 40,000 men. The reason I am in favor of universal military service is that I have heard so much of class distinction and class prejudice that I believe the adoption of such a system will burn away all the barriers forever of class prejudice and class distinction. As it is now, if you take our Regular Army or the National Guard, who are the men serving our country? Invariably they are the sons of poor men and they are the brothers of those who toil. I want the rich and the poor to serve alike, side by side, in times of peace as well as in times of war. [Applause.]

Should the National Guard fail in its system, and the National Guardsmen themselves acknowledge the possibility of failure, we will therein save the Government something like \$50,000,000 a year should we abolish this system. We want no war, gentlemen of the House, but we want to be prepared. Nearly all nations have some form of compulsory military training and service. A member of the English Parliament at my house within a month told me that America would probably never adopt the system until a crisis came. I hope sincerely that the crisis will never come.

May I quote to you from such men and eminent authorities, first, as Thomas Jefferson, who said:

I think the truth must now be obvious that we can not be defended but by making every citizen a soldier.

And the venerable prince of the Roman Catholic Church, Cardinal Gibbons, who says:

I was greatly pleased to see the bill introduced recently by the Senator from Oregon providing for this training. Such a system would be of immeasurable benefit to the young men of the country in every way. It would safeguard the Nation. It would not foster militarism. It would not be a provocation to war, but would make us strong enough to insure peace as far as humanly possible.

And from Samuel Gompers, president of the American Federation of Labor:

We must have a preparation that means a comprehensive development of all the powers and resources of all our citizens. In Switzerland every man is a soldier—not necessarily to go to war—but he has the physical and manual training necessary to defend himself, his family, and his country. Under that system the Swiss have developed a manhood, a character, that challenges the admiration of the world. We will be satisfied with nothing less in America.

Gentlemen of the committee, we have a great Regular Army. From my experiences at the summer military training camp at Plattsburg last summer, where I spent three days as the guest of the commander of the Department of the East, I was enabled to witness the democracy of such an institution, where the clerk from my own town, my own district, served side by side with the rich banker and broker and lawyer of New York. It inculcates in the youth the spirit of democracy which this Nation needs. It is the best way to brush aside class distinction. Therefore I favor enthusiastically the adoption of such a policy.

I ask to extend my remarks in the Record by including an editorial from the Washington Post on the Plattsburg idea.

Our bill has provided an appropriation of \$2,500,000, reduced from \$3,281,000, providing for the transportation and subsistence of these men who are loyal and patriotic enough to take 30 days off in the summer time for their periodical encampment. And you must realize that they have five such different sectional camps in this country, the largest being at Plattsburg, where, during the encampment which I witnessed, there were 6,000 men enrolled. And they are there trained, under our bill, by the best available United States officers. Therefore as an opening wedge to universal military training, and I say uni-

versal military service, too, because perhaps these systems will go hand in hand, the institution of the summer military training has been invaluable.

Mr. CHAIRMAN, I ask unanimous consent to extend my remarks in the Record.

Mr. DIES. Mr. Chairman, I object to the extension by unanimous consent.

The CHAIRMAN. Does the gentleman desire the Chair to put the request or to withdraw the request?

Mr. OLNEY. I make the request as a member of the Committee on Military Affairs. I believe I am entitled to such an extension of remarks.

The CHAIRMAN (Mr. SAUNDERS). The gentleman from Massachusetts asks unanimous consent to extend his remarks by including certain papers. Is there objection?

Mr. DIES. Mr. Chairman, I object.

Mr. DENT. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I propose when the bill H. R. 20783 is reached in the reading under the five-minute rule to offer an amendment, and in order that the House may understand what the amendment is, it being long, I ask for the extension of my remarks by the printing of it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DIES. I object, Mr. Chairman.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MORIN].

Mr. MORIN. Mr. Speaker, to-day there are a great many questions before the American people which have to be solved. There was never a time since the birth of this Nation when greater problems, involving the life, prosperity, and destiny of our Republic, were before us. These questions have to be solved on the basis of sound principles and policies and under the wise and able leadership of eminent statesmen. To my mind, the most vital question is that of the preservation of our liberties, those liberties which our Constitution guarantees to every man who lives upon these sacred shores—the inalienable right to live his life, think his thoughts, love his country, and worship his God according to the dictates of his own conscience—those liberties which were so eloquently expressed by that patriot Patrick Henry, when he said, "Is life so dear and peace so sweet as to be purchased at the price of chains and slavery?" From that day to this liberty has become the priceless jewel of American citizenship. Our forefathers sacrificed their love of family and home for it; they suffered and they died to make it an eternal principle; and we, their children, who renew the obligations it imposes, should enjoy it but never abuse it. That liberty which we inherited from our fathers we are in sacred duty bound to preserve and hand down unimpaired to the safe-keeping of future generations. And how can we best preserve this liberty, Mr. Speaker? Why, by being adequately prepared to strike and crush at the first blow any foreign foe that would attempt to invade our peaceful shores.

Mr. Speaker, I hope this bill as reported to the House by the Committee on Military Affairs will pass in order to make possible the Standing Army authorized in the public-defense bill which was passed at the first session of this Congress. My great and only regret is that the public-defense bill does not authorize a standing army of 250,000, as was proposed at that time by my colleague on the Military Affairs Committee, the gentleman from California [Mr. KAHN].

I favor an Army sufficient to repel invasion; large enough to protect the interests of this country against the world. An Army actuated by the high ideals that we are for peace and against war unless it is to defend, protect, and preserve those liberties for which this Republic stands.

I believe we should have a Navy large enough, great enough, and strong enough to protect us from the aggressions of any and every nation that does not respect American property, the American flag, and, above all, American lives. It matters not how great or powerful a nation may be, it must do no wrong or injustice to an American citizen wherever he may be, so long as in the exercise of his legal rights. The people of our country know their rights and they dare to maintain them at all times; and the sooner the nations of the world become alive to this fact, the quicker and more certain it is that there will be no war or wars. I yield to no man in my love for country, its prestige and welfare, and I wish for peace, but it must be a peace in which the safety of our citizenship is assured and our national honor is maintained. I am for peace with honor. Expense is not a factor, but safety and self-respect is necessary.

I have always been a supporter of the National Guard, and it is a source of gratification to me the showing made by my own State in the recent mobilization. Pennsylvania stood only

second on the list of States that sent troops to the border, and she sent 15,000 fine, stalwart lads to take their places in the ranks. These boys gave up so much. Home ties were broken, loved ones in many instances were left to face distress and poverty. They laid on the altar of their country hopes and ambitions, business opportunities, chances that may never come again, but the call of danger came and all was forgotten. Duty's demand was upon them, and they gave instant obedience.

Much criticism was leveled at the National Guard during their mobilization, and it has been declared by the press and those high in authority that the guard has proven to be an ineffectual branch of the Army. Viewed from a fair and reasonable standpoint, the National Guard acquitted itself most creditably in the mobilization; but the President's call had scarcely been issued before inspired statements were being published alleging the complete failure of the militia system under "the iniquitous Hay bill." The inconsistency of attempting to show failure of the operation of a law which was not in effect and under which the War Department had taken up no detail of administration should have suggested itself to every thinking mind; but in this, as in many other things, the opinions of others, who are considered to know, was accepted without question.

When the smoke clears away, two things will stand out pre-eminently among the features of the mobilization:

First. That on the day of the call there were approximately 134,000 men in the National Guard; that only about three-fourths of the organizations composing that force were embraced in the call, and yet the guard went into the Federal service 160,000 strong. This was accomplished within the measure of a few days. The rush of men to the colors was checked by the Federal authorities, who ordered the discontinuance of the system of recruiting for war which had been prescribed and in effect in the National Guard and in the operation of which the latter had been schooled since 1911. Even with this handicap the guard was increased over 30 per cent in strength within a few days, and before the recruiting was stopped and placed in the hands of Federal agencies.

Second. Another luminous feature of the mobilization was the absolute and deplorable failure of the supply departments of the Army to meet the situation and their inability to function effectively and efficiently. All War Department agencies were suddenly thrown into a complete state of chaos, and confusion reigned supreme. It is astounding that the men responsible for this condition should now have the effrontery to say to the country that the National Guard was ill equipped.

When the call was made by the President for the National Guard organizations to proceed at once to their respective mobilization camps, they went; but in thousands of cases militiamen were obliged to sleep on the ground and were without arms and necessary clothing for weeks. But this was not due to the failure of the National Guard as an organization, but it was due to those in charge of the affairs of the Army and to our utter lack of foresight and preparation. This is a matter that is now justly engrossing the attention of all. Profiting by our own sad experiences and the lessons that can be learned from the conflict across the seas, we should set ourselves to the task of working out this great problem of military and naval preparedness.

Recently I received a statement from Brig. Gen. Albert J. Logan, commanding the Second Pennsylvania Brigade. Gen. Logan, I take pleasure in saying, is a constituent of mine. He is a man who stands high in business circles, one who has had years of experience in affairs pertaining to the militia, and was in command of the Second Brigade when it was at the border. Being a close student of national preparedness, when he speaks it is as one who is thoroughly conversant with the subject, and his opinion on such matters receives consideration, for it is a recognized fact that he is an efficient and capable officer. In this statement is proposed a plan, which I think is very logical, for the organization of our national defense. I will give a few excerpts from this statement:

Manifestly we can not embark in this most important enterprise—the most critical adventure in which this country has ever embarked—unless we know what we are doing. Before we build a building, we must be certain of our foundation. Our foundational trouble is our Army organization. Whether it is due to bureau rule or what not, I state no opinion, but the fact remains that a general staff that is subject to continual changes, a new chief of staff every four years, and a war college that changes every now and then, with no definite fixed determinations of policy and procedure, can not produce a military system worth having. The first thing we must do, therefore, is to make the organization of the directing element stable and permanent, so that a policy, when once determined, shall be wisely and logically prosecuted.

How shall we decide what course to pursue? What plan shall we adopt? Every organization has its own solution; Army officers, magazine writers, and many others have written tomes and tomes of solutions. And if we adopt any one of them who shall be responsible for

failure? This is a national question, and it means a mobilization of the patriotism and the resources and the capacity and the brains of this country.

Officers of the Army, no matter how capable or experienced they may be, are not able to formulate such a policy as will properly provide for the mobilization of the elements necessary for the Nation's defense or the training of its civilian population. This involves the social, economic, and political elements of our population. The strategic and tactical features and the actual training may well be left to soldiers, but the solution of the problem itself is much greater than its single military feature.

Manifestly no military legislation that is worth while can be produced at the present short session of Congress. Let a commission be appointed by the President of the United States, to consist of officers of the Army of the United States of experience and judgment, of Members of both houses of Congress, representatives of the Organized Militia of the United States, and a sufficient number of civilians adequately to represent the social and industrial life of the country. Let this commission during the year 1917 pursue an exhaustive investigation into every phase of our military and defense problems. Let it make a comprehensive report to Congress in December, 1917, which will make recommendations for specific legislation. We have tariff commissions and currency commissions and commissions to investigate and control everything imaginable except the one subject which is most important to our national life and which we know least.

The recommendation of a commission of brave, patriotic, unselfish men of character will command the respect and confidence of the country and their recommendations will have the support of the people. It is a time for investigation and consideration. We can not do anything without the support of the country. We are not entitled to the support of the country unless the program which is presented is the calm, cool result of the judgment of men who have given it their careful, unremitting, unselfish study and attention and whose capacity and patriotic impulses and purposes can not be questioned.

Mr. Speaker, I am a Republican and believe in the principles laid down by the Republican Party, but there are times when party consideration should be forgotten and patriotism alone should have our thought. Such a time is now. I believe we should be intensely loyal and self-sacrificing under the present trying conditions, irrespective of party affiliation and racial ties. We should stand unitedly in the support of the President of the United States when a question of right is involved; for after all we are first for our country, its ideals and victories, then for our party on all great public questions which tend to promote the prosperity of our land and bring happiness and contentment to its people.

In conclusion, let me say there have been three great figures in American history which have stood out before the people as great stars in the firmament. The first was Columbus, undeterred by the contumely of those lacking his ken, confronted by the hostility of the Old World's circumscribed belief, and yet having faith in what is now common knowledge he braved the terrors of an untried sea in order to demonstrate his theory. Through forsaking the shores of the Old World he was able to find the new. Then came Washington, whose life was one long and glorious struggle for what he considered to be vital factors of right. Taking his stand when it required the greatest of moral courage, through firm adherence to principle he was able to establish a Government whose proudest boast is that he was the "father." The last of the three was Lincoln. Standing with unyielding firmness when the country was being rocked by the storm of strife and dissension within, undismayed by the disloyalty of those he wished to aid, serenely secure until the Nation that seemed to be rent and divided through turmoil within was again united, all then were ready to proclaim him as the one who through fidelity to principle had been able to save us from ruin and final oblivion. Our President is facing troubles equally as grave. We as a people are upholding his hands. If he succeeds in keeping this country from being embroiled in this fearful conflict which is now devastating Europe—which I pray he may—there will come a time in the future when party prejudices are stilled and partisan passions have died away that he who records the deeds of men and nations will add another star to that constellation, and then the names will be: Columbus, the discoverer; Washington, the creator; Lincoln, the savior; and Wilson, the preserver.

Mr. KAHN. How much time has the gentleman used, Mr. Chairman?

The CHAIRMAN. One minute. He yields back four minutes.

Mr. KAHN. I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I was in the House on day before yesterday, when the gentleman from Massachusetts [Mr. GARDNER] asked unanimous consent to address the House for 20 minutes. I did not object at that time, inasmuch as the gentleman from Pennsylvania [Mr. MOORE] had addressed the House formerly on that same subject. I did not object to the gentleman from Pennsylvania addressing the House for 20 minutes after the gentleman from Massachusetts had obtained that consent, because I believed

it was justice and fairness to both of those gentlemen. But I desire to say here and now that I am firmly convinced that any discussion in this House of the causes that lead to the European war or any discussion in this House of the causes that led to our unfortunate break with Germany or what should be our future course in this German controversy is more apt to provoke war than prevent it. [Applause.]

I have come to the conclusion, after listening to the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Massachusetts [Mr. GARDNER], that such exhibitions can do nothing but stir up in the minds of American citizens a feeling of hatred toward either one or the other of the belligerents, and thus bring about the thing least desired by all Americans, and that is war.

In this hour the people of this country who most desire peace should permit the President to handle our diplomatic relations, trusting in him and believing as I do and as most of the people of this country believe that he desires peace, and in the end will obtain peace.

Last fall I, in conjunction with many other Members of this House, condemned the President for his peaceful attitude toward Mexico, and called him even a coward and too proud to fight.

The Mexican situation last fall was much worse than our present relations with Germany now are, and yet the President kept us out of war with Mexico.

I believe the President stands for peace, if peace can be had with honor. I believe the President is doing all he can to keep this country at peace with the world, and the only effect such exhibitions as we had in this House Thursday can have is to hamper the President in his lawful right as the Chief Executive of this Nation.

When the President desires the opinion of Congress he will come, as he always has in the past, and lay the facts before Congress. Then will be the proper time for this House to discuss this subject. But for the present it is improper for Members of this House to discuss in a partisan way, as the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Massachusetts [Mr. GARDNER] did on Thursday of this week.

Believing, as I do, that such discussions are a menace to the peace of this Nation, I for one, if no one else does, will object to granting permission to Members of this House to discuss our present diplomatic break with Germany, believing that any such discussion will do more to provoke war with Germany than prevent it.

We should all restrain our feelings in this matter, to the end that by so doing we may aid the President in bringing about peace.

So far as I am concerned, I shall object to any Member of this House, if I am here—and I am here most of the time—addressing this House upon this subject.

Now, what is a patriot? Here is a little article in a paper that I am going to read about what a patriot is. I read:

THE GOOD PATRIOT.

At this particular time, with the tragic conditions existing in our international relations, the good patriot is not the one who goes around shooting off his mouth about what he would do if he were President. In fact, he is not a patriot at all, but is a public menace and should be hit over the head with a 6-foot water-elm club. The good patriot is the man who keeps his mouth shut, attends to his own business, and stands ready to get out and do his share in case our country should unfortunately be actually drawn into war with Germany and her allies. The worst nuisance of all is the man who is always trying to pick an argument or a quarrel with his neighbor of German birth or descent; we will not attempt to prescribe proper treatment for him. The great bulk of these so-called German-Americans will be found supporting and fighting for the land of their adoption against the land of their birth if such a choice should ever become necessary.

[Applause.]

That is a good definition of what a good patriot is. I deplore the fact that Members of this House should attempt at this time to discuss our relations, unfortunate as they may be, situated as we are at this particular time. I believe that the President of the United States will do all that he can, and he will go further than many of us would to preserve peace not only with Germany but with every nation in the world. All that we can do is to sit here quietly and attend to our business, and when he calls upon us to express our views then there will be plenty of time.

Let us stand by the President in this crisis now, and you will find you will do more to bring about peace than if you are constantly talking about it on the floor of the Congress of the United States. [Applause.]

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Ohio has expired.

Mr. DIES. Mr. Chairman, a parliamentary inquiry,

The CHAIRMAN. The gentleman will state it.

Mr. DIES. Is a point of no quorum in order during the progress of a speech?

The CHAIRMAN. The Chair will answer the question, although the matter is not pending before the committee. In the opinion of the present occupant of the chair, when a quorum is not present no business can be transacted. Therefore, in the opinion of the Chair, if the point of no quorum is made when a gentleman is addressing the committee it is the duty of the Chair to ascertain whether a quorum is present. When the Chair has ascertained the fact if a quorum is present, then the gentleman who is entitled to the floor can not be taken off until his time has expired.

Mr. KAHN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. HELGESEN].

The CHAIRMAN. The gentleman from North Dakota is recognized for five minutes.

Mr. HELGESEN. Mr. Chairman, the crisis confronting the country, caused largely by the campaign waged by a controlled press and by those who desire war for the profit it holds, has created a situation, even in Congress, which is most dangerous to the welfare of the Nation.

There is an element here composed of those who, it seems, will go to any length to bring this Government to intervene in the European war without giving any consideration to the people who will be forced to bear the burdens of such a conflict.

Believing that the people of this Nation have the right to be consulted and to determine for themselves whether or not they want to become a party to the wholesale slaughter now going on in Europe and offer their sons as a sacrifice to the modern barbarous and inhuman engines of destruction used by both sides in that conflict, I am introducing the following resolution: House joint resolution ordering a referendum of the question of whether or not we shall declare war.

Whereas the United States has been insidiously dragged toward entanglement in the European war; and

Whereas through various propagandic agitations a war sentiment is being artificially engendered in this country; and

Whereas the horrors of war have never been more fitly described than in the immortal words of the late illustrious Gen. Sherman, who said that "war is hell"; and

Whereas a declaration of war by the United States will bring untold sorrow and misery into hundreds of thousands of American homes, and hundreds of thousands of American wives and mothers will see their sons and husbands torn from them to die in the trenches; and Whereas the question as to whom belongs the right to decide our foreign policies, and whether war shall be declared or shall not be declared is lost sight of; and

Whereas we have but one authority with power to declare war, namely, the authority granted by the Constitution, only to the Congress of these United States; and

Whereas the Declaration of Independence and the Constitution of these United States recognize the inherent, inalienable right of the people of the United States to instruct their Government to do the will of the people: Therefore be it

Resolved, etc., That the Congress order a referendum of the question as to whether or not we shall declare war to the people of these United States (except in case of threatened invasion), so that the will of the people on this vital question may be made known to the Congress; and be it further

Resolved, That (except in case of threatened invasion) the President shall take no action that may tend to involve the United States in war until the result of said referendum shall be made known to the Congress.

If the element which insists that war is the only way by which we can honorably settle our differences with the belligerents in Europe finally succeeds in involving us in that terrible conflict, no father, no mother, and no American boy who will be sacrificed in the trenches in Europe will ever be able to truthfully say that I have not done my utmost to save them from such a fate, or that I have not tried to give the people of the Nation an opportunity to determine for themselves whether or not they believe that war is the only honorable means by which we can deal with the situation now confronting us. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman has used four minutes.

Mr. KAHN. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. DIES].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

[Mr. DIES addressed the committee. See Appendix.]

Mr. KAHN. How much time has the gentleman used?

The CHAIRMAN (Mr. CRISP). The gentleman used six minutes.

Mr. KAHN. He yields back four minutes?

The CHAIRMAN. The Chair understands that the gentleman yields back his remaining four minutes.

Mr. KAHN. I desire to use those four minutes. The gentleman from Texas [Mr. DIES] very properly has pointed out to this committee the gravity of the situation that confronts the American people. Some of us, with wider vision than the gentleman,

foresaw some years ago that some day, possibly, such an emergency might arise, and patriotically we have stood upon this floor and demanded of the Congress that our country be prepared to defend American rights and American citizens all over the world. [Applause.] The gentleman from Texas [Mr. DIES] at this late hour, when we confront a crisis, now says that he is ready to stand by the President. I and those like me who believe in preparedness have always been ready to stand by the President of the United States in any crisis that might confront the American people, but we wanted to be prepared properly and effectively to defend the rights of this country. The time has arrived, I hope, when the gentleman from Texas and others like him begin to realize what it means for a great nation like ours, with all the interests that we have, to be unprepared to defend American rights. [Applause.]

Mr. DENT. I yield one minute to the gentleman from New York [Mr. CALDWELL].

Mr. CALDWELL. Mr. Chairman, I ask unanimous consent to print in the Record as a part of my remarks an amendment that I propose to offer, when we reach page 75, line 4, providing for compulsory universal training.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The proposed amendment is as follows:

Amendment offered by Mr. CALDWELL: Page 75, line 9, after the word "appropriated," insert:

"Provided further, That hereafter every male person (a) who is a citizen of the United States or (b) who has made a declaration of intention to become a citizen of the United States shall, except as provided herein, undergo military or naval training as prescribed by the President for a period of 6 months during the calendar year in which he reaches the age of 19 years, or, if not then within the description of either (a) or (b) of this section, in the calendar year in which he first comes within such description or in the year immediately following. No person shall be subject to such training after the year in which he attains the age of 26 years, except as otherwise provided in section 2, nor for more than one period of such training.

"Sec. 2. Continued liability to train: That if any person liable to training does not train in any year in which he is subject thereto, he shall, in addition to the penalties prescribed by law, undergo training in the next succeeding year up to the calendar year in which he reaches the age of 26 years, and avoiding training in any year shall constitute a separate offense.

"Sec. 3. Exemptions: That there shall be exempted from training (a) members of the permanent military or naval forces of the United States, members of the National Guard and Naval Militia; and (b) persons physically unfit for any military or naval service whatever; and (c) persons on whose earnings a father, mother, brother, sister, wife, or child is wholly dependent for support. Every person exempted under (b) and (c) of this section shall be required to report for reexamination at periods fixed by regulation, up to and including the year in which he attains the age of 25 years, and if on any such reexamination it is determined that the cause of exemption no longer exists he shall undergo training in the next training period.

"Sec. 4. Training of members of certain religious sects: That members of any religious sect or organization now organized and existing whose creed forbids its members to bear arms in war shall not be required to undergo training in the bearing or use of arms, but shall be trained in the noncombatant branches of the military or naval service.

"Sec. 5. Criminals and persons of bad character: That a person who has been convicted of a felony, or who is of notoriously bad character, shall undergo training only in a special unit or units.

"Sec. 6. Credits for military instruction: That any person who has completed a course of instruction approved for this purpose by the Secretary of War or by the Secretary of the Navy shall be allowed a credit, which shall consist of the deduction from the training period of not more than one month for each year in which he has completed such course to the satisfaction of the Secretary of War or of the Secretary of the Navy, except that the period of actual training undergone as a member of the citizen reserve army or citizen reserve navy shall never be reduced to less than three months by such credits.

"Sec. 7. Expenses: That persons undergoing training shall receive transportation and subsistence while going to and returning from the place of training, and subsistence, clothing, and medical attendance while undergoing training.

"Sec. 8. Training strictly personal: That no substitute shall be accepted in place of any person called for training under the provisions of this act, and no such person shall be permitted to escape training or be discharged therefrom by the payment of money or any other thing of value.

"Sec. 9. Issuance of certificate and rosette: That each person exempted from training shall receive a certificate of exemption, and each person who has completed his training shall receive a certificate of training and a distinctive rosette showing the year's class to which the wearer belongs. Whenever a certificate or rosette issued under the provisions of this section is lost, destroyed, or rendered unfit for use, without fault or neglect upon the part of the person to whom it is issued, a new certificate or rosette shall be issued to such person without charge therefor. No person shall wear a rosette to which he is not entitled, and no person shall use a certificate to which he is not entitled.

"Sec. 10. Naturalization: That no person liable to be trained under this act shall be naturalized as a citizen of the United States unless he has a certificate of training or an unexpired certificate of temporary exemption or a certificate of permanent exemption from training or is undergoing training.

"Sec. 11. Persons without certificate ineligible to certain employments: That no person liable to be trained under this act shall hold any position of trust or profit created or authorized by the Congress of the United States unless he has a certificate of training or an unexpired certificate of temporary exemption or a certificate of permanent exemption from training.

"Sec. 12. Employment of person without certificate prohibited: That no person, corporation, partnership, or association shall hire, engage, employ, or continue to employ, any person up to the age of 28 years who is or has been liable to be trained under this act, unless he has a certificate of training or an unexpired certificate of temporary exemption or a certificate of permanent exemption from training.

"Sec. 13. Training districts: That for the purposes of this act the Secretary of War shall, subject to the approval of the President, divide the territory of the United States into such training districts as may be convenient, and shall establish for training purposes in each such district one or more cantonments. As far as practicable such division shall include a single State or group of States.

"Sec. 14. Registration and examination: That every person liable to undergo training shall register himself or be registered by a parent or guardian, and shall submit to examination as to physical fitness at a place and time fixed by the Secretary of War, except that the President may designate any consular office of the United States as a place of registration and examination for persons resident without the territory of the United States.

"Sec. 15. Naval training—Expression of preference as to kind and time of training: That the President may require such portion as he deems advisable of the entire number of persons undergoing training in any year to undergo naval training. Every person may at the time of registration express his preference for training (a) in the Army or the Navy, or (b) in any arm or corps of either service, or (c) in any time of the year. As far as practicable, any preference so expressed shall be considered in assigning persons to training.

"Sec. 16. Registration districts: That for the purposes of this act the Secretary of War shall, subject to the approval of the President, provide in each training district such number of registration districts as may be convenient.

"Sec. 17. Board of medical examiners: That the President shall appoint a board of medical examiners in each registration district. The board shall consist of three medical examiners, who shall be medical officers of the Regular Army or Navy, the Medical Reserve Corps, or the Public Health Service, or physicians or surgeons legally authorized to practice within the district. Such physicians and surgeons who are not regularly in the service of the United States shall be paid according to the rate of pay of medical officers of the rank of first lieutenant. The board shall examine all persons appearing for registration as to physical fitness, and its decision shall be final.

"Sec. 18. Board of registration: That the President shall appoint a board of registration in each registration district. The board shall consist of three members, to be appointed from officers and employees of the United States. The board shall convene at times fixed by the Secretary of War at one or more convenient places within the district, and shall hear and determine (a) applications for exemptions, except for physical unfitness, and (b) applications for training as a noncombatant. The board, or any member thereof, shall have power to administer oaths, and shall have the same power as a district court of the United States in civil cases to issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence and to order the taking of depositions. Any such district court having jurisdiction of the parties shall enforce obedience to the subpoenas of the board and shall issue and enforce obedience to subpoenas for the taking of depositions. Witnesses shall be entitled to the same fees and mileage as witnesses in such district courts.

"Sec. 19. Appeals: That an appeal from a decision of the board of registration may be made within 30 days to the district court of the United States for the district in which the applicant resides or in which the board was sitting at the time of hearing, or to the court of the first instance of the Philippine Islands if the applicant resides in the Philippine Islands, or to the district court of Porto Rico if the applicant resides in Porto Rico, or to the district court of the Canal Zone. The decision of such court shall be final. The applicant shall not be required to undergo training while his appeal is pending, but if his application is denied he shall undergo training during the period of training next following the final determination of his appeal, unless otherwise exempt.

"Sec. 20. Reserve citizen army and reserve citizen navy: That every person liable to training shall, from the date fixed for the beginning of his training until the end of the calendar year in which he reaches the age of 28 years, be a member of the reserve citizen army, unless designated for naval training, in which case he shall be a member of the reserve citizen navy, and of the class of the calendar year in which he is trained, except that a person while holding a commission or a warrant as officer in the reserve citizen army or the reserve citizen navy shall not be a member of any class. Every person who (a) becomes a member of the permanent military or naval forces of the United States, or (b) having been a citizen of the United States ceases to be such a citizen, or (c) not having been a citizen of the United States permanently removes therefrom shall cease to be such a member. Each member of the reserve citizen army shall be subject to the Articles of War, and each member of the reserve citizen navy shall be subject to the Articles for the Government of the Navy, from the date fixed for the beginning of his training until the end of his training. Each member of the reserve citizen army shall be subject to the laws, orders, and regulations governing the Regular Army of the United States, and each member of the reserve citizen navy shall be subject to the laws, orders, and regulations governing the Navy of the United States, from the date on which he is called by the President into the service of the United States until discharged therefrom. Each such member shall be entitled from the date of reporting for duty under such call to service and until discharged therefrom to the pay and allowances of an officer or enlisted man of the same grade in the Regular Army or Navy.

"Sec. 21. Annual report: That the President is authorized to require all members of the reserve citizen army and of the reserve citizen navy to report annually in person for not more than one day during each of the years in which they are members of the reserve citizen army or reserve citizen navy, at places which shall, as far as practicable, be convenient to them.

"Sec. 22. Mobilization of reserve citizen army and reserve citizen navy: That in the event of a defensive war or of imminent danger thereof the President may call into the service of the United States all or any part of the reserve citizen army and the reserve citizen navy. The officers and warrant officers may be called out in accordance with the needs of the service, but the other members of the reserve citizen army and reserve citizen navy shall be called out by classes; the youngest class or any part thereof which the President at the time of any call deems available for service shall be called first. If only a part of one class be called, the President shall apportion the number called among the States, Territories, and possessions, and the District of Columbia, in the proportion which the population of each bears to the

population of all. The reserve citizen army or the reserve citizen navy shall not be used in cases of strikes or other industrial disputes.

"Sec. 23. Expenses of mobilization: That in the event of call for service the cost of transportation to and subsistence during transportation to mobilization camps and all other expenses of mobilization shall be paid by the United States.

"Sec. 24. Service strictly personal: That no substitute shall be accepted in place of any person called for service under the provisions of this act, and no such person shall be permitted to escape service or be discharged therefrom by the payment of money or any other thing of value.

"Sec. 25. Service of members of certain religious sects: That members of any religious sect or organization now organized and existing whose creed forbids its members to bear arms in war shall not be required to bear or use arms, but shall serve in the noncombatant branches of the military or naval service.

"Sec. 26. Members of the Regular Army and Navy as officers of the reserve citizen army and reserve citizen navy: That the President may commission officers or enlisted men of the Regular Army or Navy as officers of the reserve citizen army and reserve citizen navy. The Secretary of the Navy may warrant enlisted men in the Navy as warrant officers of the reserve citizen navy. Such commissions and warrants shall only be in effect while such officers or enlisted men are in active service with the reserve citizen army or reserve citizen navy or are employed for training hereunder. Such officers and enlisted men shall be entitled to the pay and allowances of their grades in the reserve citizen army and reserve citizen navy while in active service, but not while employed for training hereunder. Officers of the Regular Army and Navy shall not vacate their Regular Army or Navy commissions nor shall they be prejudiced in their relative or lineal standing therein by reason of their service under their commissions in the reserve citizen army or reserve citizen navy. Service with the reserve citizen army shall be deemed service with the troops under the meaning of the act of August 24, 1912, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914, and for other purposes,' and the act of April 27, 1914, entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1915.'

"Sec. 27. Volunteer officers of reserve citizen army and reserve citizen navy: That the President may commission as officers of the reserve citizen army persons who volunteer for such service and who have passed examinations as provided by the Secretary of War, and as officers of the reserve citizen navy persons who volunteer for such service and who have passed examinations as provided by the Secretary of the Navy. There shall be admitted to such examinations (a) officers of the Organized Militia or Naval Reserve of any State or Territory; (b) members of the Officers' Reserve Corps of the United States Army; (c) men who have attended at least one Army training camp or naval training cruise; (d) men who have had at least two years' military training in a school or college approved by the Secretary of War, or at least two years' naval training in a school or college approved by the Secretary of the Navy; (e) men who have had a period of training under this act; (f) other persons whose training has been approved by the Secretary of War or the Secretary of the Navy. Such officers of the reserve citizen army or the reserve citizen navy shall be subject to call by the Secretary of War or the Secretary of the Navy, respectively, for service in training persons under the provisions of this act for not more than two months during each of the three years succeeding his appointment, and shall be entitled during such service to the pay and allowances of the same grades of the Regular Army or Navy.

"Sec. 28. Promotion and retirement of volunteer officers of the reserve citizen army and reserve citizen navy: Volunteer officers of the reserve citizen army and reserve citizen navy shall be promoted and retired only under regulations prescribed by the President: *Provided*, That promotions shall only be made after examination. The President shall prescribe according to the necessities of the service the amount of training to be required in each grade.

"Sec. 29. Discharge of volunteer officers of reserve citizen army and reserve citizen navy: That at any time the moral character, capacity, and general fitness for the service of any volunteer officer of the reserve citizen army or reserve citizen navy may be determined by an efficiency board of three commissioned officers of the reserve citizen army or reserve citizen navy senior to him in rank. If the findings of such board be unfavorable to such officer and be approved by the Secretary of War or the Secretary of the Navy, as the case may be, he shall be discharged.

"Sec. 30. Organization of reserve citizen army and reserve citizen navy: That the President shall organize the reserve citizen army and reserve citizen navy, or such classes thereof as he shall deem expedient, into corps, divisions, and other units similar to those in which the Regular Army and Navy are divided, and shall assign officers of the reserve citizen army and the reserve citizen navy to various units.

"Sec. 31. Cooperation of other departments: That the President is authorized to employ all other departments and agencies of the Government for the purposes of this act to the extent he may deem necessary.

"Sec. 32. Use of Regular Army and Navy: That the President is authorized to employ the Regular Army and Navy, or any part of their personnel, equipment, or matériel, for the purposes of this act. Whenever necessary in order to make available sufficient officers and non-commissioned officers for the purposes of this act the President may, if the public safety so permits, suspend the organization of units of the Regular Army. The Secretary of War and the Secretary of the Navy shall purchase such further equipment or matériel as may be appropriated for by Congress.

"Sec. 33. Grounds and cantonments: It shall be the duty of the Secretary of War to acquire by purchase and lease real estate required for the purposes of this act, and to construct, equip, and maintain buildings or cantonments, within the amounts appropriated therefor by Congress.

"Sec. 34. Notice by proclamation: That the President shall, by proclamation posted in a conspicuous place in the post offices and consular offices of the United States, fix the time and place for any registration, examination, report, enrollment, training, or muster into service under this act, and no personal notice shall be necessary to bring any person or class of persons within the provisions of this act.

"Sec. 35. Pensions: That all laws relating to pensions of members of the Regular Army or Navy and their families in time of war shall apply to members of the reserve citizen army and the reserve citizen navy who suffer disability or death while actually undergoing training or while in active service, or while proceeding to or from such training or service, and to the members of their families.

"Sec. 36. Leave of absence for Government employees: That all employees of the United States Government shall be allowed a leave

of absence without pay during the time that they are undergoing training or reporting under this act.

"Sec. 37. Employee not to be prejudiced: That no employer shall in any way penalize or prejudice or attempt to penalize or prejudice, in his employment, any employee for training or appearing for registration, examination, or report under this act, either by reducing his wages or dismissing him from his employment or in any other manner. But this section shall not be construed to require an employer to pay an employee for any time when he is absent from his employment.

"Sec. 38. False registration: That no person shall make or be a party to any false registration, false examination, false report, false enrollment, or other false response to any call under this act.

"Sec. 39. Penalties: That any person, corporation, partnership, or association violating this act or the regulations made thereunder shall be deemed guilty of a misdemeanor and shall, unless otherwise punishable under the Articles of War or the Articles for the Government of the Navy, be punished by a fine of not more than \$1,000 or imprisonment for not more than 12 months, or both. The running of time under any act limiting the time within which a prosecution for a violation of this act may be commenced shall be suspended as to any person during his absence from the jurisdiction of the United States.

"Sec. 40. Regulations: That the President may make all regulations necessary for carrying out this act.

"Sec. 41. Time of taking effect: That in so far as relates to training and to liability to undergo training, this act shall take effect on January 1 of the year next following its passage.

"Sec. 42. Use of force in case of riot: That no part of the forces trained pursuant to this act shall be used to suppress riot or disturbance within the United States or the District of Columbia unless the chief local peace officer shall certify to the President that the police forces at such officer's command are insufficient to cope with conditions.

"Sec. 43. Laws repealed: That all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed."

Mr. KAHN. I yield 10 minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I want to preface what I have to say by this statement: I am in favor of this bill and shall support it. I am not in favor of universal militarism or compulsory military service. If the time comes I shall tell the House why I am opposed to it. God has blessed Mrs. Ricketts and myself with three boys, and I do not want to sacrifice them on the altar of war if that can be avoided. I think the people of America have gone war mad and preparedness mad to a great extent, although I have supported all the preparedness measures that have come before the House with one or two exceptions.

I do not mean to say to you that I am not in favor of defending American rights and this Government or that I am opposed to having one of my sons shoulder his gun and strap on his uniform in the service of his country. That is not what I mean to say. If that time should come, I am willing, so far as myself and my sons are concerned, to do our full share in that regard. I believe America should be protected and American rights should be preserved and protected, but I think before we enter into a war we ought to have something about which to go to war. I fear, my friends, that we are making a great mistake by not inculcating in the minds of our children a greater knowledge of diplomacy, and diplomatic relations between the nations of the world. I think the time will come, although I do not expect to see it in my time, when there will be no such thing as war between nations. It may startle you when I make this statement, but nevertheless I believe it to be true, and time will prove the wisdom of this statement.

I think the nations of the earth have learned the lesson that very little, if anything, can be accomplished by war. I want to say that I honestly and candidly believe that if it had not been for the fact that Germany and the other nations across the sea now involved in that great struggle had not been so amply prepared for war they never would have had such a war as is being waged over there. I am going to support this measure because the time is ripe when we ought to consider the affairs of the Nation brought on by the estrangement between our own Nation and others across the sea. That is all I want to say about that matter.

Mr. Chairman, I want now to talk about another matter that is very important and has not been discussed on the floor of the House, except once by the gentleman from Ohio, Gen. SHERWOOD. That is the question of old-age pensions. I have in my district something like six to ten thousand men who labor for a living. In our State we have a workmen's compensation law, and the corporations running the coal mines are required, under that law, to contribute to the insurance fund of the State. As soon as the law became effective the corporations in my State saw fit in the mines to subject every man beyond 50 years of age to a physical examination by a physician employed by the company before he can be taken back into the service as a miner. Many men who have worked in the mines all their lives, at the age of 50 to 60 because of this rule of the company are deprived of the employment in which they have been engaged during the greater part of their lives, and in this way are thrown out of employment entirely, with no chance of going into any other vocation. This is not only true in my State but in many States of the Union, and I only refer to this particular class of people

because old-age pensions would apply to all people of the country and make no difference to what employment they worked at.

Mr. GORDON. Will the gentleman yield?

Mr. RICKETTS. Yes; but I have but a short time.

Mr. GORDON. Has the gentleman made any estimate as to what this will cost?

Mr. RICKETTS. No; I have not made an estimate of what it will cost, but I have made an investigation of what has been done by other nations in the world with reference to this important matter.

Mr. EMERSON. Will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. EMERSON. Is it not a fact that we have a law of this character in Ohio?

Mr. RICKETTS. We have no old-age pension law in the State of Ohio, but we have what is known as a mothers' pension law.

Mr. EMERSON. That is what I had in mind.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, the time has come in the industrial history of this Nation when something must be done by this Government toward the support, comfort, and protection of the worn-out workers of America.

Every nation on the globe has made provision for old-age pensions with the exception of the United States and Russia, so it is certain that this question is one with which this Government must deal sooner or later. It is not a new question. It has been agitated throughout the world as far back as 1884. But, you say, this Government can not afford at this time to make provision for its aged and worn-out workers. What, then, is to become of them? This Government is certainly not so cold and indifferent toward the men and women of the country who have given all of the best part of their lives to the development of the country as to allow them to go unprotected.

Mr. Chairman, I have given this subject of old-age pensions a very wide and careful consideration, and I am intensely interested in it, and feel it my duty to call the attention of this House to this most important problem. If it is possible to inaugurate a system of old-age pensions, the poorhouses, almshouses, and those institutions caring for the poor would be needed no longer. Only those special institutions would be required which care for the insane, dipsomaniacs, and those whose physical condition is such that it is not advisable for them to live at home or in private families.

The aim of every normal man and woman is an old age, free from care and want. To that end most of them toil patiently and live closely, seeking to save something against the day when they can earn no more. And yet the same fate awaits the overwhelming mass of them.

In the life of the toiler there are weeks, and sometimes months of enforced idleness; weeks of unavoidable illness; losses from cheating and swindling; and then, as old age creeps on from about his fiftieth year, a constantly declining capacity to earn, until at the age of 55 or 60 years he finds himself helpless and destitute. There is hardly a more pitiful tragedy than the lot of the toiler who has struggled all his life to gain a competence and who, at 60 years, faces the poorhouse. The black slave had no such tragedy as this. It is a tragedy reserved for the free worker in the freest Nation on the globe.

Mr. FESS. Mr. Chairman, I take it for granted that my colleague would not recommend any system that is not based on reasonable frugality of the beneficiary in the days when he is productive?

Mr. RICKETTS. Of course not.

Mr. FESS. I would not vote for any measure that would allow any individual to waste his substance and say the Government would take care of him anyway when he gets old.

Mr. RICKETTS. I agree with the gentleman. I have not espoused any such theory as that.

I think it must be apparent to all who weigh the facts relating to the condition of the 20,000,000 wage earners of the United States that one of the greatest economic problems confronting the Nation is that of old-age dependency.

The proper solution of this problem requires economic skill of the highest grade and legislative courage and ability of the most patriotic kind. With probably three-fourths of all adult males and nine-tenths of all adult females in our great industrial army of 20,000,000 of human beings receiving in wages barely enough to provide food, shelter, and clothing of the poorest sort, and with scarcely 1 wage earner in 10 able to lay by in savings for the rainy day of invalidity or old age, and with the almshouses and benevolent homes crowded with the cast-off, indigent, aged, and worn-out members of our industrial army, and with community and private charity already taxed beyond reason for temporary relief of the poverty stricken; with the

efforts at relief through industrial corporations and mutual societies making only partial, inadequate, and oftentimes unstable provision for a very small proportion of the needy; with the States recognizing the demands of only a few of the wage earners; and with the evidences of growing discontent over present conditions; and with fear and dread of the future and the high cost of living that now prevails throughout the Nation, the problem or question of old-age pensions is one of more serious proportions and of greater magnitude than one at first thought would conclude and makes the solution of this question extremely difficult, yet, nevertheless, important and essential to the welfare of our own esteemed and beloved aged citizens.

It is the same problem in the presence of which the statesmanship of Europe has been standing with uncovered, bowed head during the past half century, that demanded the greatest constructive legislative ability of a Bismarck, the foresight of a Gladstone, the most serious thought and considerate attention of British Parliaments, under the leadership of a Morley, a Chamberlain, an Asquith, and a Lloyd-George; a problem which has forced itself into government councils and legislative assemblies, with demands for immediate solution in Belgium, France, Austria, Denmark, Switzerland, and Italy, as well as Germany and Great Britain, in Europe, and has received the most courteous attention and careful treatment in New Zealand and Australia. The attempts at the solution of this problem abroad may be interesting to those who realize its importance here, but I have not the time, nor can I take the space in the CONGRESSIONAL RECORD to set forth copies of the various pension laws adopted in the above foreign countries. Germany led in this movement, however, and the law enacted in that country in 1889 has been largely a model and inspiration for other countries.

Among the European nations France is the latest to adopt an old-age pension law for all working people above a certain age. This law was passed April 5, 1910, and became effective July 1, 1911, and applies to all people of both sexes who receive wages less than 3,000 francs (\$600) per year employed in any branch of industry, commerce, liberal professions, agriculture, servants for wages, mining, seamen, and so forth.

From the above facts of old-age pensions having been established in other countries there may be drawn suggestions and plans that will be of material aid to the economist and legislator in the solution of the problem in this country. The schemes now established abroad comprise practically all those yet devised for the protection of old-age dependency among the working people.

"What will the United States do with reference to this important matter?" "What scheme will she choose?" These are the questions which the people of the United States must sooner or later meet in legislative action and determine.

Fortunately or unfortunately, we Americans have not that conception of the family as the unit of society and that reverence for old age which is ingrafted upon the hearts of the people in many foreign countries. Why should this condition exist in the United States? In our manufacturing centers especially the helpless destitute father, mother, grandfather, or grandmother is regarded as a distinct burden to the household, the carrying of which oftentimes forces the children out of school and into the streets, factories, or shops, in order to provide for the sustenance and maintenance of the parents or grandparents and supply the household expenses.

Many a man loses heart and goes through the years of his life from 50 onward with drooping head and faltering step, because there is only helpless want as the goal of old age. This ought not to be in an enlightened and civilized country.

I take it to be clear that from an impartial study of this problem in all its phases the conclusion is inevitable that this country must provide a system of service pensions for its old and worn-out citizens.

Approximately 1,500,000 people of the 103,000,000 population of the United States above 65 years of age are dependent upon public or private charity to the amount of \$250,000,000 annually. Thus far 1 person in 18 of our wage earners reaches the age of 65 years in penury, and the indications are that the proportion of indigent old is increasing. There are no signs of abatement in the causes of this deplorable condition.

Strange as it may seem, the United States, with the exception of Russia, is the only great industrial nation in the civilized world that has not already attempted a practical and permanent solution of this problem of old-age dependency. Oh, you say, it can not be done. It will be entirely too expensive to this Nation to undertake such an enormous task as caring for the indigent old of this country.

Mr. Chairman and gentleman of the House, this is not a new question. This question has been agitated by all the

nations abroad, and a solution has been reached that is entirely satisfactory, not only to those who are protected by the solution of this problem, but to the Government as well.

This is a progressive age, and new questions are arising daily—questions that never before confronted the people of this Nation—and we, as a people, must meet these new questions face to face. Many States, labor organizations, fraternal benefit societies, industrial establishments, transportation companies, steam railway companies, electric line companies, steamship companies, and other associations of capital have already, in a mild way, made provisions for the old aged or dependents of their respective classes or organizations; but as yet no nationwide provision has been made by this Government. A great many States have provided pensions for the retired teachers. Municipalities have provided pensions for their retired police and fire forces and other employees. This Government has provided pensions for its soldiers, their widows and orphans. Not only so, but it has provided, by legislation, a national workmen's compensation law, which is limited to Government employees. Several of the States have adopted the workmen's compensation law, which is for the purpose of protecting those who are injured while engaged in the line of duty. Not a few States have already provided mothers' pensions. The different religious conferences have provided for the superannuated ministers, and the teachers of the country have organized themselves for the purpose of petitioning legislation which will take care of the old, worn-out teachers in all the States of this Union.

I regret to say that a great many men and women of the shops, mines, and farms who have toiled incessantly, in order to produce the wealth of the country, and who have greatly assisted in making this the richest Nation in the world, are treated with cold and total indifference after their working days are over. Yet it is the boast of the American statesmen that this is the greatest Republic on earth. That this is a Government of the people, by the people, and for the people. With this latter statement I agree, but let us make it so in fact and not in name only.

Under the workmen's compensation laws now in vogue in many of the States in which mining is the principal industry the great corporations in opposition to the law have weeded out of their ranks and their employment men 50 years of age and upward. They have been turned out to starve, notwithstanding the fact that they have given their whole lives to this particular employment, and are disqualified in their old days to take up any other vocational pursuit with any degree of efficiency. What is to become of them? They have rendered invaluable service to the country in promoting its welfare in this particular industrial enterprise. As one Member of this House I am in favor of such action on the part of this Government and this Congress as will protect and provide for these deserving American citizens. And this is only one of many classes of workmen who occupy identically the same position and who are entitled to the protection of this Nation. How should they be protected? In a half-hearted, cold, indifferent way or in a way commensurate with their just deserts, as true, honest, upright, and patriotic citizens?

I love this country and its institutions. I am proud of its form of government. I esteem and admire its citizenship and all that this Nation possesses that makes it the greatest of great nations. I love its flag, the emblem of freedom and protection; and as a Member of this House I implore you, in the name of this great Nation and for the sake of humanity and humanitarian equity, to give this subject your most profound, sincere, and honest consideration.

Why should this Nation be the last to provide for its indigent aged? Why not America first in matters as vitally important as this?

In the last 30 years this Nation has squandered millions and millions of dollars through its Congress under the pretense of conserving some of its institutions, resources, and commercial waterways; yet no step has been taken to protect and provide for the old men and women of our own beloved country. Why are we so benighted to this most important duty? Let us stop now and consider what should be done in the premises.

Over in the Congressional Library there can be found a full and complete digest of this all-important subject, prepared severally by the countries abroad which have adopted legislation on this subject. Then, why should we send a commission abroad to gather information for us on this subject when we have all the information available in the Congressional Library where each and every Member of this House may read and learn for himself just what foreign countries have done in relation to old-age pensions.

For weeks past I have been investigating this subject in the Library, and I know whereof I speak when I say that all the

information needed in order to enact proper legislation in this matter is within our reach.

Now, I am not going to recommend any particular method by which the old-age dependents of this country may be pensioned. Different countries have adopted different methods and different kinds of legislation, and I leave the question of what class of legislation should be enacted to the membership of this House. However, I sincerely hope that the membership of this House will give this subject that degree of consideration and investigation which it so justly deserves.

After having fully investigated this matter, I am driven to the conclusion that it is not necessary, as proposed by some Members of this body, to spend a fabulous sum of money to have a commission investigate this subject, although at first I favored it.

Mr. DENT. Mr. Chairman, I ask unanimous consent that all gentlemen who have spoken on this bill be allowed to revise and extend their remarks for five legislative days, and also all gentlemen who may hereafter speak upon it.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all gentlemen who speak upon this bill may have five legislative days within which to extend their remarks in the RECORD. Is there objection?

Mr. TILSON. Mr. Chairman, I should like to have that done, but would we in Committee of the Whole have any such power?

The CHAIRMAN. As a rule, no.

Mr. EMERSON. Mr. Chairman, the gentleman is not objecting.

Mr. TILSON. I am not objecting.

Mr. DENT. I understand that nobody makes the point of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I yield now to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I wish to address the committee solely for the purpose of calling attention to some testimony which I inserted in the CONGRESSIONAL RECORD yesterday, which will be found on page 3800 of the RECORD. This testimony consists of evidence that was taken before the Committee on Military Affairs, and a letter from Mr. Alifas, who represents, I believe, in this city as a legislative agent some labor organizations, and the reply to that letter from Gen. William Crozier. I believe that those two letters and this testimony afford ample opportunity to examine both sides of the question to which I desire to call the attention of the committee. In framing this bill in our committee a provision which was inserted by the House in the bill last year was included, which prohibits the use of time study and premium payments in the United States arsenals. The committee by a roll-call vote struck out that provision, but by inadvertence it was left in the bill, but I understand that both those who favor the prohibition and those who oppose it have agreed that it will be eliminated, and there will undoubtedly be made upon the floor of the House in the reading of the bill under the five-minute rule a motion to insert an amendment prohibiting the use of time study and premium payments. I therefore request the Members of the House to examine this testimony, because it is one of the most important questions involved in the bill. This testimony discloses that upon the installation of time study in the Watertown Arsenal the cost of production to the Government was reduced two and seven-tenths times. The appropriation bill last year became a law in August, I believe, and that contained a provision prohibiting the use of the time study and the premium payments which had obtained in the arsenal for several years. As soon as the bill was signed by the President, of course, the system was abandoned in obedience to the law. This testimony discloses that upon the abandonment of that system the cost of production in the arsenal increased two and two-tenths times. Regardless of whether you want war or not, and regardless of whether we have war or not, it does seem to me that with these undisputed facts staring us in the face we are guilty of criminal extravagance if we prohibit the use in Government arsenals of a system which has demonstrated that it will result in such a tremendous saving to the people of the United States in the manufacture of arms and munitions of war.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I will.

Mr. GREEN of Iowa. What does the gentleman mean by saying that the cost was increased two and two-tenths times? Does he mean that an article that would cost \$1 ordinarily would cost \$2.20?

Mr. GORDON. Yes; I mean that. That is exactly what this evidence shows. Gen. Crozier, in his testimony before the Com-

mittee on Military Affairs, introduced in evidence, and it will be found in the hearings of that committee, a table showing the exact cost to the Government of producing these articles before and after this system was abolished. In some instances the cost was multiplied by four, in some instances it was less than double, but the average throughout the arsenal as shown by this table increases that cost two and two-tenths times. That is not a matter of guess or conjecture; it is a matter of absolute, mathematical demonstration. This is a very important matter to the Government because it involves wasting enormous sums of money in the manufacture of arms and munitions of war provided for the Army, the Navy, and the fortifications, amounting in the aggregate to hundreds of millions of dollars. But it is important to the people of the United States for another reason, and that is this war in Europe has created a most remarkable situation in the United States. You can all remember and recall that within recent years the system of manufacturing in the United States has undergone a revolution. Plants have been enormously enlarged; the work of manufacturing has been subdivided. Now, this system of time study and premium payments is a very simply system. So far as it is applied by the Government itself it simply involves the keeping of a record of the time expended by any man, or any number of men, in producing any kind of article or any constituent part of that article, so that when you are through you not only know what your article costs but you know what every single part of it costs.

There are in the United States business failures every year ranging from 15,000 to 20,000. I undertake to say that a very great proportion of the business failures in the United States are due to the fact that they have not provided themselves with a proper accounting system. They do not know what it costs them to produce an article and every part of that article, and for that reason they in some instances sell articles for less than it costs to produce them. I do not know of any method under the sun by which any firm that does any considerable business can keep an account of the cost of producing an article that amounts to anything without resorting to some system, like the Taylor system, by which they can determine the cost of producing the article and each and every part of that article.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. HULL of Iowa. Does the gentleman mean to assert that the manufacturing institutions that do not have the Taylor system know nothing about the cost of the articles that they manufacture?

Mr. GORDON. No; I did not say that. Now, the small manufacturers might keep an account by simply counting the number of things produced, and if they only have a few men, they can do it by dividing the total cost in a day by the number of men, but I undertake to say a firm which employs hundreds and thousands of men, such as does the United States in its arsenals, can not possibly conduct its business successfully unless it has some means of determining what is the cost not only of producing an article ready for the market but every part of that article, and you can not possibly know what is the cost of producing these different parts of the article unless you keep a record of the time consumed and know what time is expended and what you have to pay for producing that part of the article.

Mr. HULL of Iowa. Does the gentleman mean to say there is no large manufacturing institution without the use of the Taylor system which knows anything about what it costs?

Mr. GORDON. Oh, no; I did not say that, but I say that unless the firm confines itself to piecework there is no intelligent way of determining it without the use of this system, or some system analogous to it. Now, this system is being introduced in manufacturing establishments generally throughout the country.

Mr. HULL of Iowa. What is the proportion of the large manufacturing industries in this country to-day that are using this system?

Mr. GORDON. Oh, I do not know. I think they all ought to be using it, because I do not believe there is any way—

Mr. HULL of Iowa. The gentleman is fairly well acquainted up in Cleveland?

Mr. GORDON. Yes.

Mr. HULL of Iowa. Do they use it up there?

Mr. GORDON. No; not all of them. I know that some of the most successful manufacturers there use it, and I also know that the firms that use the Taylor system pay the highest wages not only in Cleveland but anywhere in the United States, and they are the most successful manufacturers in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, the committees of the House having to do with military affairs and naval affairs are composed of patriotic Members, who try earnestly and honestly to do their duty. Last year we passed the national-defense act. It was approved June 3, 1916, and the many Army officers to whom I have spoken proclaim it with one voice to be the best piece of Army legislation that has ever been written into substantive law. The Congress is often blamed for dereliction of duty in connection with legislation for the Army and the Navy. It has been my experience, and I have been on the Committee on Military Affairs for 12 years, that whenever the War Department makes out a good case the committee invariably grants the request of the department. The members of the committee are laymen and have to depend for information and advice on the officers in the War Department in order that they may legislate intelligently and for the best interests of the country.

For some years there had been a feeling in the committee that there was too much favoritism in the War Department. So three or four years ago Congress passed a law which has met with universal favor among the officers of the Military Establishment. The so-called Manchu law, which requires every Army officer to be with his own organization at least two years out of six, has worked a great good in the Army. And I do not propose with my vote to allow any change to be made in that splendid piece of legislation. Occasionally there may be an isolated case wherein that law works a hardship. But the benefits are so many that I do not believe it ought to be changed in any particular.

We found, too, that occasionally favored officers were being promoted over the heads of brother officers. For instance, men who had been serving in the lower grades of the Army were made brigadier generals. You have no idea of the demoralization an act of that kind brings in its train. The earnest, able, and efficient officers of the line of the Army who do not have a chance to spend much time here in Washington, who continue their arduous work at distant and isolated stations or posts, have a right to expect that in the fullness of time they will be promoted to a higher grade. And, as the distinguished gentleman from Illinois said yesterday, it is the aim of every colonel of the line to be made a brigadier general. The national-defense act contains a provision which is known as section 4 of that act. It reads:

General officers of the line: Officers commissioned to and holding in the Army the office of a general officer shall hereafter be known as general officers of the line; officers commissioned to and holding in the Army an office other than that of a general officer, but to which the rank of a general officer is attached, shall be known as a general officer of the staff. The number of general officers of the line now authorized by law is hereby increased by 4 major generals and 19 brigadier generals: *Provided*, That hereafter in time of peace major generals of the line shall be appointed from officers of the grade of brigadier general of the line and brigadier generals of the line shall be appointed from officers of the grade of colonel of the line of the Regular Army.

That was intended to prevent an officer occupying a position in one of the bureaus here in Washington from being promoted over the heads of men who were out in the field with the fighting force of the Army of the United States. This provision of the law was approved on June 3, 1916, and yet six months thereafter the very spirit of the law was violated by the present officials of this administration.

I have nothing to say in derogation of the officer who was recently promoted to the grade of brigadier general of the line. He probably is a very splendid officer. I do not question his ability, but he never served with the fighting force of the Army at any time in his life. He was our military attaché in Berlin up to a few months ago. He is an engineer officer. He was recalled from Berlin recently, and on January 3, 1917, Col. Joseph E. Kuhn was assigned to the First Regiment of Engineers. They were serving down on the Mexican border. On January 5, two days thereafter, before he had joined his regiment, he was nominated to the position of brigadier general of the line, vice Gen. Evans, who had been a brigadier general in the Infantry branch of the service. On January 9 the colonel joined his regiment on the border, four days after he had been nominated to this position. On January 15 he was confirmed as a brigadier general of the line by the Senate. On January 16, the day after his confirmation, he was relieved from duty on the border and ordered to report to the Chief of Staff at Washington, D. C., for duty. On January 19, 1917, he was commissioned a brigadier general of the line. He left the border on January 23, reported in Washington on January 26, and was assigned as president of the Army War College on February 1. Section 11 of the national-defense law—

Mr. SLOAN. Will the gentleman yield right there?

Mr. KAHN. When I conclude this statement.

Section 11 of the national-defense act contains this provision: The enlisted force of the Corps of Engineers and the officers serving therewith shall constitute a part of the line of the Army.

The officer serving therewith shall constitute a part of the line of the Army, it says, but this officer did not serve with Engineer troops at all before he was nominated for the position of brigadier general of the line. And this whole transaction took place during the month of January last. It savors strongly of favoritism.

Now I will yield to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. I was desirous of knowing the name of this man whose meteoric career you have described.

Mr. KAHN. I mentioned it before. It is Gen. Joseph E. Kuhn, the head of the War College, and no doubt a very excellent officer. I do not question his ability, but I question the propriety of making appointments in that manner in violation of the spirit, if not the letter, of the provisions of the national-defense act. [Applause.] I do not say nor pretend to assert that this administration is alone guilty of such things. It also has been done by Republican administrations. But I do not care whom it is done by; it is unwarranted and most reprehensible, and it tends to demoralize the Army of the United States. [Applause.] It is a practice that I hope will be discontinued from this time on.

Mr. TILSON. Will my colleague yield right there?

Mr. KAHN. Yes; certainly.

Mr. TILSON. What effect would such a transaction as that have upon the mileage appropriation of the Army, which has been a much-mooted question?

Mr. KAHN. Oh, it would deplete it in no time. In order to give this gentleman a position within the strict letter of the law, not the spirit of it, it was necessary to send him down to the border and bring him right home again after he had gone down there. It furnished him with a round trip to Texas out of the appropriation for "transportation of the Army."

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. BORLAND. As a general thing, that plan is reprehensible. But does the gentleman think there are absolutely no exceptions where special fitness ought to be recognized in promotions?

Mr. KAHN. Well, under peculiar circumstances; yes. But not in times of peace, when men are performing the ordinary duties that devolve upon them.

Mr. BORLAND. Is it true that this particular officer has been a military observer abroad, and might possibly—I can not say probably—have special fitness at this time to serve in the War College?

Mr. KAHN. Oh, the gentleman did have service abroad. He was an observer in this war, and I believe he was also an observer in the war between Russia and Japan. But I do not consider that that especially fits him to be made an officer of the line, a general officer of the line, in charge of fighting troops.

Mr. BORLAND. Might it not fit him to be useful in the War College?

Mr. KAHN. I think that they could have promoted any one of the dozens of colonels of the line in the Army who could have done the work in the War College just as creditably.

Mr. HULL of Iowa. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HULL of Iowa. Would it be necessary to make him a brigadier general in order to make him president of the War College?

Mr. KAHN. I rather think that the head of the War College has always been a general officer. Whether there is any provision of law that requires that I do not know, but I think that heretofore it has been the custom to appoint a general officer of the line to that place.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GREENE of Vermont. If the question of merit is involved in this case perhaps a parallel might be found in a recent remarkable jump in the naval service, in the Medical Corps of the naval service, where we might almost consider that merit is not the determining factor. [Laughter.]

Mr. KAHN. Well, when officers of the Army or of the Navy are promoted because of personal service to some one high in authority you will have a disorganized and dissatisfied Army and a disorganized and dissatisfied Navy. [Applause.]

Now, the gentleman from Massachusetts [Mr. GARDNER] on yesterday stated what he found on the border. I, too, visited the border while on my way to Washington toward the end of

last November. I consulted many members of the National Guard, officers and enlisted men, and I want to say that there was not a single officer or man of those I consulted who did not tell me that he believed in universal military training and service, and they seemed to have reached their conclusion in this way: They said, "We were patriotic enough to enlist in the National Guard. When the call came we answered it. We went to the Texas border with our organizations. We are here now on the border. We have been compelled to endure many hardships. We do not complain of that. But men equally fit and capable of bearing their share of the public burden, yet not as patriotic as we were, remained at home. They are enjoying the comforts of life. They are being paid good salaries. Probably some of them have secured our jobs, because many of us will have to go back to seek new positions. Our old jobs are gone. We do not think it fair in these United States that such an undemocratic condition should be allowed to prevail. We are willing to do our 'bit' for the country which we love, but we think that every other able-bodied man in the United States should be compelled, when the occasion arises, to likewise do his 'bit,' just as we are doing ours now." [Applause.]

Mr. GARLAND. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARLAND. You mean, when you say that, compulsory military training? You used the word "compelled" there.

Mr. KAHN. Yes. That is what they said. I am quoting them.

Mr. GARLAND. That means compulsory military training?

Mr. KAHN. It means that.

Mr. GARLAND. I understood there was an attempt to make some distinction between "compulsory" and "universal" service.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. COX. I want to ask this question for information, because I have confidence in the gentleman: Since this debate has gone on, and for several years, I have heard discussions on the subject of military training. I do not know; but how long does it take to train a soldier until he is a seasoned soldier, ready and prepared under almost any ordinary conditions to go forward in a battle?

Mr. KAHN. It depends upon what branch of the service a soldier is in.

Mr. COX. I would like to have the gentleman go into that.

Mr. KAHN. I think an infantryman can be trained adequately to go to the front and defend his country, if need be, in a year's time. That is why I have always defended a short-term enlistment, because I feel that what this country needs, not only now, but at all times, is a trained reserve army; and I feel that when a man has had a year's training in the Infantry he ought to be allowed to go back to the body of the citizenship and engage in private employment. I know that the training he secured while in the Army of the United States will be of incalculable benefit to him as a citizen and as a man. [Applause.]

Mr. COX. Now, will the gentleman yield for another question? Does it take longer to train a soldier in the Artillery than it does in the Infantry?

Mr. KAHN. Yes; it will take probably six months longer.

Mr. COX. How about training a cavalryman?

Mr. KAHN. It takes a little longer than it does to train an infantryman—about the same length of time that it takes to train a man in the Artillery.

Mr. COX. About 18 months?

Mr. KAHN. Yes.

Mr. HAYES. I want to ask the gentleman if it is not true that the higher officers of the Army disagree a good deal about the length of time, some of them maintaining that six months are sufficient to make a seasoned soldier?

Mr. KAHN. I think they have all changed their minds since the European war. At first England began to send its volunteers to France and Belgium after having trained them six months in England; but she soon found out that that was not enough training under present conditions. The trench warfare has caused them all to change their views, and England now requires a full year's training before she undertakes to send her men into the trenches.

Mr. GARDNER. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARDNER. Is it not true that Gen. Wood is almost alone in his opinion that six months of intensive training—which is very different from ordinary training—is sufficient?

Mr. KAHN. Yes; I think he is. The consensus of opinion among Army officers, as I gauge that opinion—and I have spoken with many of the officers on the subject—is that in the Infantry

you require a full year's training. The conditions over in Europe in this war have changed the opinions of the Army officers of this country in many particulars. For instance, take the Chief of Ordnance. He had been making shrapnel shells in the proportion of 3 to 1 of the high-power explosive shells. The European armies are using high-power explosive shells much more extensively. Gen. Crozier of the Ordnance Department of the War Department, who for many years felt that the high-power explosive shells were not so important, stated before our committee that he has come to the conclusion that we need a great many more of the high-power explosive shells and fewer of the other kind than he had formerly thought necessary.

Mr. SANFORD. Will the gentleman yield for just one question?

Mr. KAHN. Certainly.

Mr. SANFORD. What has the gentleman to say with reference to whether the training prescribed for the National Guard can in any sense be considered an equivalent for the one-year minimum of training the gentleman has just mentioned?

Mr. KAHN. I frankly confess that I do not think it can be compared with it at all; but I want to say this about the National Guard: For many years there have been two opinions in this country as to the ability of the National Guard to act as first-line troops. That question will never be decided until it is decided right. I, for one, have held in the committee, and I hold on this floor, that we ought to do everything at this time to give the National Guard every proper chance to make good. If you do less than that, you will have this question recurring all the time. The present law will give an opportunity to demonstrate their worth as troops, and I want to see them given every possible chance.

Mr. HAYES. I wanted to ask the gentleman if his statement as to one year's minimum training is intended by him to apply to our present volunteer enlisting system, or whether he desires to have it understood that that would be the case if we had compulsory training?

Mr. KAHN. I feel satisfied that anything less than one year's training would be a mistake. Those who advocate universal training may be willing to accept a provision for a six months' period of training in order to make it more popular, but I believe that in the end it will be found that a year's training is absolutely necessary. [Applause.]

Mr. Chairman, within the last 20 years this country has undergone a material change. Up to that time we were not considered, outside of the United States at any rate, a world power. Then came the Spanish-American War, which brought in its train many new and difficult questions for the American statesmen to solve. For the first time in our history we had insular possessions far distant from the seat of government. The people who inhabited those islands were different in race, in education, and in their traditions from the people of the United States. At that time an overwhelming majority of our countrymen gloried in the fact that we were to take upon ourselves a part of the "white man's burden." We provided civil government for the Philippine Islands on a more liberal scale than any of the great powers had ever given a colony. Under those laws the inhabitants of the Philippines have prospered and flourished in a measure far beyond what their leaders had ever dreamed of. In recent times, however, a sentiment has been growing up in this country against their retention. Many of our statesmen think that the time has come when we ought to "scuttle" and leave the islands to their fate. Others would establish a protectorate over them. Others, again, would have them neutralized under some treaty which might be agreed to by all the world's great nations. We have learned in recent years that treaties do not amount to much when nations become embroiled in war. Therefore I do not think the American people will ever consent to their neutralization. For myself, I feel that we should hold them permanently. They have already in one instance demonstrated that they are of real value to the Republic. When our minister was held a prisoner in his compound in Peking during the Boxer troubles we did not have to appeal to England or France or Germany or Russia or any other great nation to give him protection. We had troops in the Philippines, and once in our history we were able to protect the life and property of an American official in a foreign land without an appeal to any foreign country to protect him for us.

But not only did we acquire possession of the Philippines, Porto Rico, Guam, and Hawaii, but we have established protectorates over Cuba, Panama, Haiti, the Dominican Republic, and Nicaragua. The establishment of these protectorates carries with it new problems, new burdens, and new responsibilities. I have always opposed the proposition that the United States of America has become the world's policeman. We ought to keep out

of all entangling alliances with foreign powers. We ought ourselves to be able to protect American lives and American rights everywhere. And in order to protect American lives and American rights and American property in every portion of the globe we will have to increase materially the effectiveness of our Army and our Navy.

The experience of the present war has shown that there is only one system in a democracy like ours that will be effective for the adequate defense of the country. That system is universal military training. Universal training would be of great benefit to the growing youth of the land. It would inspire the young men with respect for law and order. It would teach them the necessity of obeying the commands of constituted authority. It would teach them how to work en masse. It would teach them how to keep cool in moments of stress or excitement. It would teach them how to take care of themselves physically. It would teach them sanitation. It would teach them many things that would be invaluable to them in whatever walk of life they might choose to follow; and above all, it would compel every man to do something in the service of his country. Unfortunately American citizens are growing up in the belief that their country owes them many privileges and prerogatives. They do not realize fully that the citizen owes his country duty and service. Why, even in the large cities many so-called patriotic, broad-minded Americans constantly try to escape doing mere jury duty. They think nothing of that. They think they are smart if they are able to induce the court to let them avoid it. It is a wrong principle. Every man owes duty and service to his country. When that is fully understood, and when that is fully carried out, this Republic, which we all love so dearly, will have a far better and far more patriotic and far nobler citizenship than it has ever had in all the days of our history.

In conclusion, Mr. Chairman, I desire to read the following communication from the Conference of American Patriotic Societies:

WASHINGTON, D. C., February 7, 1917.

Hon. JULIUS KAHN,

House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: It becomes my duty as secretary of the Conference of American Patriotic Societies, consisting of 25 patriotic and national-defense societies, with a membership of over 500,000 representative citizens of the United States—men and women resident in every State of the Union—to present the accompanying resolution to the House of Representatives, through you.

This resolution was presented to the Committee on Military Affairs of the United States Senate January 18, 1917. The committee, appointed by the chairman of the conference for this purpose, delivered this resolution to the Senate committee, and each member urged that the Congress give serious consideration to this resolution.

As the Committee on Military Affairs of the House of Representatives of the United States is not now conducting hearings, we can not present this resolution to your committee in person, and therefore I have been instructed to request you to read this resolution from the floor of the House of Representatives and urge you, with all due courtesy, to ask that the same be given the serious consideration of that body.

We believe the temper of our citizens is such at this moment that the legislation recommended will meet with their hearty approval and united support.

Respectfully submitted,

CONFERENCE OF AMERICAN PATRIOTIC SOCIETIES,
By H. H. SHEETS, Secretary.

[Conference of American Patriotic Societies in convention assembled, Continental Memorial Hall, D. A. R.]

WASHINGTON, D. C., January 15, 1917.

On motion by Brig. Gen. George Richards, duly seconded, the following resolution on national military training was unanimously adopted:

Resolved, That a special committee of five be appointed by the chairman of this meeting to urge upon the Committees on Military Affairs of the Congress the importance of reporting a bill at this session of Congress providing a system of national military training.

Unanimously adopted and the following committee appointed by Brig. Gen. S. W. Fountain, chairman, delegate of the grand commandery of the Military Order of the Loyal Legion of the United States:

Louis W. Stotesbury, chairman, the adjutant general, State of New York; George Wentworth Carr, the adjutant general, National Association for Universal Military Training and secretary of the Philadelphia committee of this association; Mrs. William Cumming Story, president general Daughters of the American Revolution; H. H. Ward, Washington, D. C.; Charles L. Fraley, Chevy Chase, Md.

In the event that one or two of the members of this committee are unable to serve, Gen. Stotesbury is authorized to appoint alternates.

Mr. H. H. Ward was compelled to be absent from the city, and Gen. Stotesbury appointed H. H. Sheets, secretary of the conference, to serve on committee vice Mr. Ward.

H. H. SHEETS, Secretary.

The Conference of American Patriotic Societies formed January 13, 1917, consists of the following member societies:

American Defense Society.
American Defense Society, Women's Branch.
American Red Cross.
American Society.
Army League of the United States.
Daughters of the American Revolution.
Daughters of the Cincinnati.
Ladies of the Grand Army of the Republic.

Military Order of the Carabao.
 Military Order of the Loyal Legion of the United States.
 National Association for Universal Military Training.
 National Security League.
 National Society for the Advancement of Patriotic Education.
 National Society of Colonial Dames in America.
 National Society of Colonial Dames in America in the District of Columbia.
 National Society Daughters of Founders and Patriots.
 Naval and Military Order of Spanish-American War.
 Navy League of the United States.
 Navy League of the United States, Women's Section.
 Order of Washington.
 Society of American Wars.
 General Society, Sons of the Revolution.
 Sons of Veterans, United States of America.
 United States Daughters of 1812.
 United States Power Squadron.

Mr. HAYES. Does not the gentleman think—I ask that the gentleman may have five minutes more.

Mr. KAHN. My time has been exhausted.

Mr. FESS. Can we not have the time extended five minutes on the question of compulsory military training?

Mr. KAHN. I hope to take that up when the bill is under discussion under the five-minute rule.

Mr. TILSON. When we reach the amendment of the gentleman from New York [Mr. CALDWELL] it will be in order.

Mr. DENT. The balance of the time I have promised to the gentleman from Kentucky [Mr. FIELDS]. If he is willing to yield—

Mr. FESS. Just for a question?

Mr. FIELDS. I yield one-half minute.

Mr. FESS. The question I would like to have the House answer is how you are going to reach compulsory military service or universal training with a half a million teachers of the United States prejudiced against it, and with most of the mothers of the country prejudiced against it. I was in a convention of a national teachers' association less than a year ago when an attack was made upon it, and the attack was cheered to the echo, and when somebody spoke in favor of it he was hissed. What are you going to do, and how are you going to get these boys?

Mr. GREENE of Vermont. The way to do it is to educate the people.

Mr. DENT. Mr. Chairman, I yield the balance of the time to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman has 27½ minutes.

Mr. FIELDS. Mr. Chairman and gentlemen of the committee, I hope, as it is getting late and as those who still remain have been very patient throughout the day, that I may not use all the time allotted to me, because I believe in the policy that the Speaker announced at the beginning of this Congress, that this Congress ought to be a working Congress and not a talking Congress. I shall therefore try as best I can to bring myself within that rule.

I want to say, first, in regard to the bill that the committee has given very careful consideration to each and every provision of it, and while we have recommended material reductions in some of the items, we have in each instance carefully endeavored to guard against any reduction that would impair the efficiency of the military establishment, and with the understanding that if it should develop that some, or any, of the reductions are too great that we would favor increasing them to the necessary amount before the bill is ultimately enacted into law. I believe that every man on the committee and in the House, if he will sound himself carefully, wants this country properly prepared to defend itself against an emergency. I do not mean by that that I am a military enthusiast, for I am not. When I was first placed upon the Military Committee I felt that I was very much misplaced, because of my lack of enthusiasm in military affairs. I regret that it is necessary to maintain an Army. I regret that it is necessary to call men from the productive pursuits of life to make up the personnel of the Army. I regret that it is necessary to expend millions of money for the maintenance of the Army. But my likes or dislikes in the matter are one thing and my duty to my country is another, and while I am not an enthusiast about the Military Establishment for the sake of having one, I am an enthusiast about my country, its safety, its liberties, and its rights. [Applause.]

As a matter of duty and to meet a cold, stern responsibility I join the committee in an effort to prepare this country with an adequate Army.

Mr. TILSON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. TILSON. The gentleman may not be enthusiastic about a police force, but he thinks it is a necessity, does he not?

Mr. FIELDS. An absolute necessity. I regret that my town has to maintain a police force, but it does, and so does the National Government. I may say here, Mr. Chairman, that I hope

and pray the time may come—and while it may not come in my time or the time of my children, I trust that the time may come—when all nations throughout the earth will, in the natural evolution of government, rise to that high plane of civilization on which it will not be necessary to maintain organizations for war or implements of war. [Applause.] But that condition is not now before us. That day has not arrived; that period of international development is not yet in sight, or if it is it is remotely so; and so long as humanity throughout the earth is infected with the spirit of avarice, greed, and animosity, as we find it to-day, all nations that propose to maintain their rights and their integrity must provide an adequate defense, regardless of whether they like to do so or not.

Now I want to talk a few moments about the cost of the Military Establishment. There are pacifists throughout the country who are attempting to inflame the public mind against preparedness because of the cost. If I have estimated it correctly, the national defense, both Army and Navy, this year will cost in the aggregate \$700,000,000. That is a very large sum. Nobody disputes it; but we are preparing to defend a very large Nation and a very wealthy Nation, a Nation of 100,000,000 people besides our insular population and of \$200,000,000,000 of wealth besides our insular possessions, with an annual average increase of 9½ per cent. So let us see what percentage of the national wealth the national defense is costing. Seven hundred million dollars amounts to about one-third of 1 per cent of the national wealth, saying nothing of its rapid increase, to which I have referred. Therefore when we figure the wealth of the Nation, together with the fact that we are the most extravagant Nation on earth, when we consider the fact that the average annual cost of the American family is \$17.44 for legal amusements, which amounts to approximately \$400,000,000 annually; and, further, consider the fact that \$250,000,000 are spent annually for automobiles for pleasure riding alone, saying nothing of the countless other expenditures which are unnecessarily made by the American people, which run into billions of dollars, I think, Mr. Chairman, that we can well afford to reconcile ourselves to a cost of one-third of 1 per cent of the national wealth for the national defense, without which the prosperity and perpetuity of the Nation is insecure.

So much for the cost. A good deal has been said about the fundamental principles of our military system, and I want to refer to that, too; but before doing so I want to talk a little about the practical business side of the system. I want to look at it from a business man's point of view, and in doing so I am not personally criticizing, or at least I am not impugning, the motives of the men under whose management our system is and has been conducted. They probably do the best that they know from their viewpoint, but they are men, most of them, who have gone through West Point or some other college at an early age, before they had any practical business experience, and went from there into the Army, and have ever since been in a military atmosphere, surrounded by military environment, and have grown up in the belief that the reckless expenditure of money is a matter of little concern so long as it is furnished by the National Government. They are men who have never had any connection with the practical business propositions and problems of the country of a private nature, where economy must necessarily be taught and observed, and because of their lack of such training they do not in many instances apply proper methods of economy through which millions of dollars of the public funds could be saved. If, however, they make mistakes from a business point of view in the management of the affairs intrusted to them we can afford to criticize ourselves as well as them for our failure to make some amendments to the system. I think that one of the reforms most needed is to bring the committees of Congress that have to do with the Military Establishment into closer personal touch and contact with that establishment. We must assume the responsibility of making recommendations to our respective houses in legislative and financial matters pertaining to the Military Establishment. It is, therefore, necessary that we possess as thorough knowledge as is possible of the establishment. We sit in our committee rooms and hear testimony from men many of whom, as I have said, have never had any practical experience. They come to us and tell us what they need and from the testimony we arrive at a conclusion. I maintain that the committees of the House and Senate who must assume the responsibility of making the recommendations for the appropriations should personally acquaint themselves with the Military Establishment just as far as it is possible for them to do so. I believe that the members of the committees of the two respective bodies should repeatedly visit every Army post in the United States so far as it is possible for them to do so, and every other place for the support of which we are called upon to appropriate money. By doing that

we would gain a personal knowledge of the conditions that exist, and when they come before us and make representations we could handle the matter more intelligently, and we might, I may say, make improvements upon the part of Congress as well as upon the Military Establishment by such procedure.

It is true that that would cost some money, it would cost the travel and hotel expenses of the members of the two committees while making these trips, and probably this additional expense would meet with some opposition on the floor of the House and in the other body, but be that as it may, it would be one of the most profitable investments that the Congress could possibly make. Then there is another thought that I have had in mind. There is nothing that makes a man get down to brass tacks in his business transactions like a knowledge of the fact that some other man with authority is scrutinizing his work. We appropriate millions of money for the maintenance of the Army. No private business institution on earth would appropriate the amount of money that we appropriate for the maintenance of the Army to finance some private enterprise and turn that sum over to men who are impractical, so far as the business side is concerned, to be their own judges and executioners. What would a private business concern do? It would have agents of some kind inspecting the work done, to see if it was properly done, and so I have a plan that I have in mind to which I have given a great deal of thought. I believe that it would result in a great improvement if Congress would provide for three accountants, one to be appointed upon the recommendation of the Military Committee of the Senate, one to be appointed upon the recommendation of the Military Committee of the House, and one to be appointed by the President. I suggest that method of appointment for the reason that by that system this board would not become military in character, for it would realize that its existence depended upon the administration in power, which would cause it to strive to meet the wishes of the administration in the discharge of its duties. I would give that board of accountants authority to look into the expenditures of the War Department. Let the men making the various expenditures account to this board. Give the board power to make investigations of the market values of supplies consumed by the Army and make investigations of the value of buildings or other property purchased or leased for the use of the Army and the purchase or rental price paid for same, and many other duties which I can not here define, and report back to the Congress and the President on the first day of each session, with any suggestions that it might care to offer looking to the greater efficiency of the service or greater economy in the expenditures. I think that that would put the Army nearer onto a business basis, and when the Army officers realize that there is a board of accountants upon their track to scrutinize each expenditure and call them to account for same, or to make a report back to Congress giving their views upon the wisdom or unwisdom of the expenditures, every man who has to do with the expenditures will be more careful. That would cost some money, and yet I think it would be a most profitable investment.

I realize that this proposition will meet with opposition, and especially from Army officers, but that does not discourage me in my belief that it is right. There never was a reform inaugurated that did not meet some opposition from some quarter, regardless of how meritorious it may have been.

Now, Mr. Chairman, we have heard a good deal said about our military system and especially about the National Guard. Each of my colleagues on the committee, and many other Members of the House, know that I have never been wedded to the National Guard system, and I am frank to say that I have believed, as my colleagues on the committee knew, from the beginning of the national-defense act of last year that the National Guard system, builded as it is upon the militia of the several States, is a failure. In making that statement, however, I distinguished between the men of the National Guard and the system under which those men must serve. I think that the men who make up the National Guard are as patriotic as any on earth. I have no quarrel with them. They have done the best they could under the system, but my objection is to the system. I do not believe that a military system under double control under 48 subordinate heads can ever be a success.

Mr. DYER. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. DYER. Will the gentleman state what he means by the "system" not being satisfactory from his standpoint?

Mr. FIELDS. The National Guard is only under the Federal Government when called out for national purposes. Then when it is dismissed from Federal service it goes back under State management and control, and is not under Federal control again until called out again by the Federal Government for Federal purposes.

I believe whatever our system is upon which our country must depend for its defense, it should be at all times under the control of the Federal Government. But there is another feature of the system which is more objectionable than the one just referred to, which is the lax and ununiform method of conducting physical examinations of recruits of the National Guard by the different States. Some States may come well up to the standard adopted by the War Department for recruits of the Regular Army; others fall far short of it, as was shown by the Federal examinations of the National Guard called into the Federal service last year. Approximately 27 per cent of the National Guard was rejected upon physical examination in 1916 after it had reached Federal mobilization camps, as is shown by the testimony of Gen. Mann, on page 1184 of the hearings before the Military Committee. More than 50 per cent of the guard of the States of Georgia and Kentucky, and 77 per cent of one company of the First Regiment of the latter State were dismissed from the service because of physical disabilities.

Some of these men had been in the National Guard for several years and thought they were physically fit for Federal service.

No man can contend that a system so uncertain is a safe one upon which to depend for the national defense.

Mr. DYER. Would the gentleman be in favor of the Constitution being amended so as to put the militia under the direct control of the President at all times?

Mr. FIELDS. I agree with the gentleman that the militia of the several States can not be put under the absolute control of the Federal Government without first securing an amendment to the Federal Constitution, vesting in Congress the power to control same.

The vesting of such power in the Congress would deprive the States of their powers over their militia, which was wisely reserved by them in framing the Federal Constitution; and in view of that fact such an amendment should not be proposed, and, in my opinion, would be rejected by the States if submitted to them for ratification, for its adoption would make the States dependent upon the Federal Government for military protection against domestic insurrection or other internal strife too strong to be put down by civil authority. These functions should be performed by the States in their sovereign capacities without dependence upon the will or adherence to the dictates of the Federal Government. Such a relinquishment by the States would be extremely unwise, and is inconceivable.

The State militia was very wisely ordained to perform a double function, viz, to protect the State in its sovereign rights and to serve the United States when called upon to do so in executing the laws of the Union, suppressing insurrections, or repelling invasions. Its duties, therefore, are of both State and National character. Its mission is noble, and its officers and men are patriotic; its services to its State are indispensable, and it should not be taken from under the control which the State now exercises over it. But it can not, in my opinion, perform its double function under 48 different heads and add to the Military Establishment of the United States the strength necessary to make that establishment commensurate with the responsibilities which now confront it and which may materially increase in the future.

Aside from the present conditions, which it is not necessary to discuss but which are in many instances straining every fiber of our foreign relations, we have heavy and growing responsibilities which render necessary a greater preparation for national defense by reason of our obligations under the Monroe doctrine to our sister Republics of Central and South America, which have apparently increased within recent months. And without discussing the wisdom or unwisdom of our assuming these obligations as defined by different opinions, it is sufficient to say that so long as we as a Nation assume such obligations we must preserve our honor as a Nation by meeting the responsibilities which we thereby incur, and it is my opinion that to meet these responsibilities the Federal Government should be in absolute control of a trained force sufficient to meet any exigency which may arise.

The American people very wisely oppose a large standing army, and I do not believe they will permit the creation of such an institution in the future. It therefore becomes necessary, and I think properly so, for us to depend upon a trained national reserve as an adjunct to the Regular Army, over which the Federal Government has absolute control; and it is my opinion that this reserve should and can be organized, operated, and maintained in a way that will strengthen and invigorate the State militia by bringing its organizations of the several States under a more uniform system of training and into closer touch with the Regular Army. I would secure and maintain, in the discretion of the President, this national reserve by the creation of a volunteer force known as the Volunteer Army of the United

States of not to exceed 150,000 men, to be enlisted for a term of three years, in increments not to exceed 50,000 men a year, which would bring the Army to its maximum strength in three years. I would give these recruits six months' intensive training with the colors, with pay while training as recruits in the Regular Army, and then return them to the body politic, to be held in reserve for the remainder of their enlistment, with the provision that they must attend and participate in not less than 12 days' drill each of the two remaining years with the National Guard at the post nearest to their respective places of residence, with salary, travel pay, and subsistence while thus going to, attending, and returning from such drills.

This would call the volunteers away from their homes for only one period of any consequence—that is, the six months with the colors immediately succeeding enlistment. The drills of not less than 12 days with the National Guard for the two remaining years could be done in a period of two weeks, including time of travel to and from home, which would only be a short vacation and a splendid recreation for those taking advantage of it.

The training and returning to the citizenry of 50,000 men each year distributed throughout the country would create renewed interest and enthusiasm in the national defense, and their association and services with the State militia during the remaining years of enlistment would, in my opinion, animate that organization to such an extent that its recruits would materially increase and be made more efficient for military service; and the knowledge which these reservists would continually carry back to and disseminate among the people as a whole would give them a more intimate knowledge of our Military Establishment and its operations which would serve as a step in elementary training.

Some men with whom I have discussed this plan contend that Congress has no power to require the National Guard—State militia—to drill at fixed periods each year with men of the reserve army, yet these same gentlemen contended when the national-defense act of 1916 was being framed and enacted into law that that measure would federalize the National Guard. But by this last contention they admit the fallacy of their former contentions, from which I dissented at the time the bill was framed and passed.

I am basing my plan for joint maneuvers between the forces of the reserve army and the State militia on the hope that the States would join the Federal Government in the inauguration of such a plan.

If, however, any State should refuse to so cooperate, the second and third year reservists could be drilled at the Army post nearest their respective places of residence; and as I shall explain later I favor a wide distribution of Army posts throughout the country.

There are many plans being discussed at this time, but I think the plan which I have outlined is more in harmony with American ideals than any other plan I have heard discussed or mentioned. The question of universal military training is being discussed throughout the country, and I want to say a word right now in regard to that, and this is a thought that every Member of Congress may well take home to himself and consider. It matters not whether we are for or against compulsory or, in the more mild term, universal military training or service, and without going into the merits or demerits of the system at this time suffice it to say we are here as the proxies of the people and we can not enact laws contrary to the will of the people with the expectation that those laws will be maintained. The country at this time is against universal military training, and if this Congress or the ensuing Congress should enact a law forcing upon the country universal military training or universal military service, the successors of the Members who voted for that law would repeal it in the next Congress and would probably reduce our appropriations and set the defense propaganda back perhaps a quarter of a century. And, gentlemen, these thoughts may well be considered. We are legislating for the American people. We have got to keep in harmony with the ideas of the people or somebody else will do their legislating for them, and properly so, for if ever the Representatives of the people in these Halls shall ignore and disregard the will of the people, then our Government will cease to be a representative government.

Mr. KING. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. KING. Do I understand the gentleman to mean that universal military training and universal military service are one and the same thing?

Mr. FIELDS. No, sir.

Mr. KING. I understood the gentleman to use them as the same.

Mr. FIELDS. I said, if we should do either; that is what I intended to say, at least.

Mr. FESS. Will the gentleman yield for one interruption?

Mr. FIELDS. Gladly.

Mr. FESS. I think the gentleman states the proposition precisely as it is. I have an open mind on this question and I am at sea to know what to do. We want the men, and my concern is, How will we get them?

Mr. FIELDS. I will give the gentleman my idea.

Mr. FESS. I have heard the story for years, in communities, that the reason so many persons came from Germany to this country was in order to avoid military service which was to be forced upon them, and I have had that thing dinged into my mind until I have a prejudice against it. I do not know where it comes from, other than that.

Mr. FIELDS. The gentleman's statement bears out that long-established doctrine that a man's environment becomes a part of him.

Here is my idea, which I stated a moment ago I would give to the gentleman: We must reorganize the military system of this country. We must first democratize it. We must Americanize it. We must popularize it. We must bring it closer to the people. We must conduct it in such a way that each individual will realize, to some extent at least, his individual responsibility in the encouragement and support of it.

Now, you know there is a general feeling throughout the country that the defense of the country is the other man's job. We all recognize that fact. When we talk about the defense of the country, people with whom we talk believe, as a rule, that we are discussing the other fellow's job. We need to bring the Military Establishment closer to the people. We need to teach them from the lecture platform, from the school, from the fire-side, and at every opportunity, that the defense of the Nation rests alike upon the shoulders of every individual. And, Mr. Chairman, I believe in that way the issue can be brought closer to the people. I would distribute the Army posts and training camps throughout the country. If a man goes to his State capital or to some place near home to train, his parents at home do not agonize about him like they would if he were sent to the Mexican border or out into some other State. They do not feel so much as if he had gone to war. Give each State an Army post and teach the people of the State—or at least talk it to them—that it is the duty of the people of the State to make that Army post a success and to manifest interest enough in it to bring to it all the men necessary or required. Inaugurate this system and compulsory military training or service will not be essential to the defense of the country. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

Contingencies of the Army: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergency and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, D. C., or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed \$4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, \$50,000.

Mr. ADAMSON. Mr. Speaker, an evening paper makes some statements about my position as to the proposition to increase the cost of the new bridge at Georgetown.

The contention of the War Department for a fifteen hundred thousand dollar bridge is no new thing; for almost seven years the matter has been under discussion and controversy, certain officials in the War Department insisting on a more expensive bridge at Georgetown or at H Street, so as to eliminate the necessity and possibility of the Arlington Bridge at New York Avenue, on the theory that only one bridge would be built. Our committee has always wished to build a substantial, handsome highway bridge at Georgetown whenever necessary, and then build a substantial bridge of enduring character and imposing appearance commensurate with the character of the other buildings in Washington, without any gewgaws, filigree, or sentimental nonsense across the river to Arlington Cemetery, which would be practically an everlasting extension of New York Avenue or some other prominent street of Washington. For a long time we thrashed out the subject with the War Department and finally convinced the department that Congress wanted a bridge to cost not more than a million dollars, exclusive of the expense of approaches and preliminaries, and we passed a bill finally, after receiving a written statement from the War Department that it could be done, authorizing the War Depart-

ment to build a bridge costing a million dollars, and specifically provided that they plan a bridge to cost a million dollars and not a million and a half nor any other larger sum, and appropriated a hundred and fifty thousand dollars to defray the expenses of terminals in locating the bridge. It was the duty of the War Department to proceed to plan and build that sort of a bridge. They helped us secure the passage of the bill by urging the immediate and pressing necessity for the bridge, and yet they have permitted nearly a year to elapse, and instead of planning and building that sort of a bridge and getting that out of the way so we could authorize the other larger bridge lower down the river they have spent all that time planning a more expensive bridge, and now they say it is necessary for Congress to increase the appropriation. It appears that they were convinced against their will when they agreed to build a million-dollar bridge.

I know from long observation of construction of bridges throughout the country that a good bridge can be built for a million dollars, and I for one propose to keep faith with Congress, in which a large number of gentlemen opposed even the expenditure of a million dollars, which they considered a considerable sum to spend on that bridge. If ways are found to go around the committee, and those who conducted the bill through Congress and made the pledges as to the cost, it will be because I can not help it. I intend to make a point of order against it wherever it will lie if it comes into the House, and vote against it if it comes in under circumstances where a point of order will not lie. I insist that the War Department keep faith with Congress and build a million-dollar bridge as instructed and not a million-and-a-half-dollar bridge. The fact that their plan proposes to extend the bridge across a street and up a hill so as to bridge over dry land instead of rivers, and that they have been confused and led astray by the Fine Arts Commission is no justification. They were authorized to confer with the Fine Arts Commission, but they were not compelled to violate the law enacted by Congress and increase the expense on account of any suggestions of that commission. They ought to go on and build that bridge according to the law enacted so that Congress will have some confidence in the movement to build the larger bridge lower down the river. Such a pernicious example may be set in this instance as would discourage Members of Congress from voting for the other bridge.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to suggest to the gentleman from Alabama that it is getting late.

Mr. TILSON. Would not the gentleman from Alabama, the chairman of the committee, agree to rise at this point?

Mr. DENT. With that disposition in the committee, I will, but I had hoped that we could read the first two or three pages of the bill, about which there would be no contest. It ought to be finished by 6 o'clock.

Mr. MANN. I think—

Mr. DENT. It is only a few minutes, though.

Mr. MANN. We probably will not get away by 6 o'clock, anyhow.

Mr. DENT. Very well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 20783) making appropriations for the support of the Army, and had come to no resolution thereon.

PUBLIC HIGHWAY IN UNICOI COUNTY, TENN.

Mr. HULL of Tennessee. Mr. Speaker, I desire to call from the Speaker's table the bill H. R. 11474, with the Senate amendment, and move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 11474. An act authorizing the Secretary of Commerce to permit the construction of a public highway through the fish-cultural station in Unicoi County, Tenn., with a Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

HOURLY MEETING TO-MORROW.

Mr. DENT. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn

to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO PRINT.

Mr. DENT. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken upon this bill be allowed five legislative days in which to revise and extend their remarks.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all the gentlemen who have spoken on this bill have five legislative days in which to extend their remarks. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9288. An act providing for the refund of certain duties illegally levied and collected on acetate of lime.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8105. An act granting the consent of Congress to the Conway County bridge district to construct, maintain, and operate a bridge across the Arkansas River, in the State of Arkansas;

S. 5672. An act for the relief of sundry building and loan associations; and

S. 5899. An act to punish persons who make false representations to settlers and others pertaining to the public lands of the United States.

ADJOURNMENT.

Mr. DENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 56 minutes p. m.) the House, under its previous order, adjourned until Saturday, February 17, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Rouge River, Mich. (H. Doc. No. 2063), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 8003) authorizing the county of Morrison, Minn., to construct a bridge across the Mississippi River in said county, reported the same with amendment, accompanied by a report (No. 1500), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 20873) granting the consent of Congress to the city of Fort Atkinson, in Jefferson County, Wis., for the construction of a bridge across the Rock River, reported the same with amendment, accompanied by a report (No. 1501), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XII,

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 20036) for the relief of Frank Bowers, reported the same with amendment, accompanied by a report (No. 1499), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 8416) for the relief of Jose Trujillo, reported the same adversely, accompanied by a report (No. 1502), which said bill and report were laid on the table.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12077) for the relief of Harry C. Bradley, reported the same adversely, accompanied by a report (No. 1503), which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 20935) authorizing and directing the Public Printer to provide a pulp and paper mill or mills for the manufacture of print paper for the Government, and for other purposes; to the Committee on Printing.

By Mr. EDMONDS: A bill (H. R. 20936) providing for registration of aliens; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of Texas: A bill (H. R. 20937) to establish a branch Federal land bank in Wichita Falls, in northwest Texas; to the Committee on Banking and Currency.

By Mr. PLATT: A bill (H. R. 20938) to protect the commerce of the United States; to the Committee on Foreign Affairs.

Also, a bill (H. R. 20939) to suspend commercial intercourse between the United States and the German Empire; to the Committee on Foreign Affairs.

Also, a bill (H. R. 20940) to authorize the defense of the merchant vessels of the United States against German depredations; to the Committee on Foreign Affairs.

By Mr. ANDERSON: A bill (H. R. 20941) to provide a board of administrative control under the direction of the President of the United States; to the Committee on Ways and Means.

By Mr. ADAMSON: Resolution (H. Res. 508) providing for the consideration of H. R. 20752; to the Committee on Rules.

Also, resolution (H. Res. 509) providing for the consideration of H. R. 9818; to the Committee on Rules.

By Mr. HELGESEN: Joint resolution (H. J. Res. 371) ordering a referendum of the question of whether or not we shall declare war; to the Committee on Foreign Affairs.

By Mr. MCARTHUR: Memorial from the Legislature of the State of Oregon, favoring the enactment of S. 7487, having for its purpose the reclamation of arid and swamp lands in the United States by cooperation between the Federal Government and irrigation districts of the States containing such lands; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Oregon, favoring legislation to provide and maintain military highways along the Pacific coast from the Canadian to the Mexican border; to the Committee on Military Affairs.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, favoring military highway along the Pacific coast; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Oregon, favoring reclamation of arid and swamp lands; to the Committee on Irrigation of Arid Lands.

By Mr. ANTHONY: Memorial of the Legislature of the State of Kansas, asking Federal Government to proceed with project to reclaim semiarid portion of southwestern Kansas; to the Committee on Irrigation of Arid Lands.

By Mr. RAKER: Memorial of the Legislature of the State of California, relative to the preservation of the Galen Clark cabin in the Mariposa Big Trees Reservation, Cal.; to the Committee on the Public Lands.

By Mr. HAYES: Memorial of the Legislature of the State of California, favoring preservation of the old Galen Clark cabin in Mariposa Big Trees Reservation, Cal.; to the Committee on the Public Lands.

By Mr. CARTER of Massachusetts: Memorial of the Legislature of the State of Massachusetts, pledging support of the State of Massachusetts to the President and Congress in any action taken in the international crisis; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 20942) authorizing the Secretary of the Treasury to pay interest and expenses incurred to and by the owners of lots, pieces, or parcels of land acquired by the United States for the enlargement of the Capitol Grounds; to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 20943) granting a pension to Ella H. Garlock; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 20944) granting an increase of pension to Walter A. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 20945) granting an increase of pension to Darius F. Bell; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 20946) granting an increase of pension to Emily M. Furber; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of United People's Church, Pittsburgh, Pa., opposing a declaration of war; to the Committee on Foreign Affairs.

Also (by request), petition of sundry citizens of Missouri, opposing the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. ANTHONY: Petition of Isaiah Faris and other citizens of Shawnee County, Kans., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of 36 citizens of Alloway, N. J., favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CAREW: Memorial of Chamber of Commerce of the State of New York, relative to Federal encroachment on State revenue sources; to the Committee on Ways and Means.

By Mr. CARY: Telegram from Paul J. Stern, president Atlas Bread Co., of Milwaukee, Wis., protesting against the passage of the bill known as the Kitchin bill; to the Committee on Ways and Means.

Also, petitions of 125 citizens of Milwaukee, Wis., protesting against war, etc., to the Committee on Ways and Means.

By Mr. FULLER: Petition of G. D. Bennett, of Rockford, Ill., protesting against House bill 20357, to prevent work on streets and buildings on Sunday in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of several citizens of Illinois against war and in favor of a referendum before war can be declared; to the Committee on Foreign Affairs.

By Mr. GALLIVAN: Petitions of sundry citizens of Boston, Dorchester, Mattapan, and Roxbury, Mass., favoring a retirement law and an increase of salary for letter carriers; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry members of the Massachusetts Branch of the League to Enforce Peace, relative to the adoption of the league's proposals by the United States; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Boston, Brewster, and Cambridge, Mass., favoring a referendum before war can be declared; to the Committee on Foreign Affairs.

By Mr. GRIEST: Petition of Musicians' Protective Association, of Lancaster, Pa., against passage of the mail-exclusion bill; to the Committee on the Post Office and Post Roads.

By Mr. HAYES: Petition of California State Federation of Labor and State Building Trades Council of California, favoring submitting declaration of war to vote of the people of the United States; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petitions of sundry citizens of Baltimore, Md., favoring passage of House bill 20080, migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Baltimore, Md., against this country going to war with Germany; to the Committee on Foreign Affairs.

Also, petition of E. M. Funck, of Baltimore, Md., favoring House joint resolution 1, relative to suffrage amendment; to the Committee on the Judiciary.

Also, petition of Tidewater Portland Cement Co., favoring the Webb bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Milnor, of Philadelphia, Pa., favoring bill for compulsory military service; to the Committee on Military Affairs.

Also, petition of H. S. Dulaney, of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry business men of Baltimore, Md., against bill in regard to an amendment to the Federal reserve act; to the Committee on Banking and Currency.

By Mr. MEEKER: Petitions of the St. Louis branches of the Mutual Benefit Life Insurance Co., of Newark, N. J., and Springfield, Mass., favoring passage of House bill 19617, to incorporate the national association of life underwriters; to the Committee on the Judiciary.

By Mr. MORIN: Petition of United People's Church, Mr. William A. Prosser, pastor; Miss Bessie M. Wormsley, secretary, opposing war, asking for a referendum vote on the question, and that action be taken along the principles of economic justice and international brotherhood which will forever abolish warfare; to the Committee on Foreign Affairs.

Mr. MOORES of Indiana: Petition of sundry citizens of Indianapolis, Ind., protesting against the entrance of the United States into war; to the Committee on Foreign Affairs.

Also, petition of 53 citizens of Indianapolis, Ind., protesting against war; to the Committee on Foreign Affairs.

By Mr. NORTH: Petition of Rev. Glenn M. Sgafer, president, J. G. Wrightman, secretary, of a public meeting held in Clarion, Pa., praying for the enactment of legislation to abolish polygamy in the United States and any place within its jurisdiction; to the Committee on the Judiciary.

By Mr. OAKLEY: Memorial of Manchester local Socialist Party of Connecticut, deploring severance of diplomatic relations between the United States and Germany; to the Committee on Foreign Affairs.

By Mr. PRATT: Petition of First Baptist Church of Waverly, N. Y., consisting of 550 members and represented by Rev. J. E. Miles, pastor, and Mr. H. R. Cronk, chairman board of trustees, favoring national prohibition and prohibition in the District of Columbia, Alaska, and Hawaii; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Leon Renault, protesting against the District of Columbia prohibition bill; to the Committee on the District of Columbia.

Also, petition of Jennie Heubach, urging the passage of House bill 16358, to establish a Woman's Division in the Department of Labor; to the Committee on Labor.

Also, petition of the employees of the Post Office Department, urging the passage of House bill 17806; to the Committee on the Post Office and Post Roads.

Also, petition of American Book Co., New York City, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Donald Campbell, New York City, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. SANFORD: Papers to accompany House bill 20917, granting a pension to Elizabeth Hogan; to the Committee on Pensions.

By Mr. VARE: Memorial of members of the Commercial Exchange, city of Philadelphia, supporting the President in the present diplomatic situation; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Ohio: Petition of Oberlin (Ohio) Loyal Temperance Legion, urging the passage of the joint resolution for national prohibition, the Hawaiian bill, and House bill 18980, to exclude liquor advertising from the mails, and the District of Columbia dry bill; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of J. P. Pillon and 64 other citizens of Lehr, N. Dak., favoring a referendum on the subject of declaring war; to the Committee on Foreign Affairs.

SENATE.

SATURDAY, February 17, 1917.

(Legislative day of Wednesday, February 14, 1917.)

The Senate reassembled at 10.30 o'clock a. m., on the expiration of the recess.

Mr. SMITH of South Carolina. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The point is well taken. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Nelson	Smith, Ga.
Bryan	Husting	Norris	Smith, S. C.
Catron	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones	Owen	Sterling
Clapp	Kenyon	Page	Stone
Culberson	Kern	Polindexter	Sutherland
Cummins	Kirby	Ransdell	Swanson
Curtis	La Follette	Reed	Tillman
Fall	Lee, Tenn.	Robinson	Vardaman
Fernald	Lodge	Saulsbury	Walsh
Gallinger	McCumber	Shafroth	Watson
Gronna	Martin, Va.	Sheppard	Works
Harding	Martine, N. J.	Sherman	
Hitchcock	Myers	Simmons	

Mr. CHAMBERLAIN. I was requested to state that the Senator from Florida [Mr. FLETCHER] and the Senator from Michigan [Mr. SMITH] are detained in the Committee on Commerce upon official business.

Mr. HUGHES. I wish to announce that the Senator from Kentucky [Mr. JAMES] is detained on official business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. SHAFROTH obtained the floor.

Mr. STONE. Mr. President—

Mr. SHAFROTH. I yield to the Senator from Missouri.

DANISH WEST INDIA ISLANDS.

Mr. STONE. Mr. President, from the Committee on Foreign Relations I report back favorably Senate bill 8256. I have not accompanied it with a written report, but I desire to say that with the exception of one clause in the bill, being the last proviso of section 2, the committee was unanimous in ordering the bill to be reported favorably. The Senator from Mississippi [Mr. WILLIAMS] is opposed to the retention of that proviso. He will move to strike it out, and a vote will be had to take the sense of the Senate upon it.

Just a word more. Section 6 of the bill as presented provides that the President shall appoint a commission to examine into the general conditions in the Danish West India Islands and report. At the time the committee was formulating this bill we had very unsatisfactory information as to the general conditions in the islands. Since then the Secretary of Commerce has sent to us a very full and intelligent report covering the very ground intended to be covered by the proposed commission and I think it is sufficiently covered, so that section 6, when we take up the bill, will I think by the unanimous judgment of the committee be eliminated. I send the bill to the desk.

The VICE PRESIDENT. It will be read by title.

The SECRETARY. The Senator from Missouri [Mr. STONE] reports favorably from the Committee on Foreign Relations the bill (S. 8256) to provide a government for the West India Islands acquired by the United States from Denmark.

Mr. STONE. I wish to say that at the very first opportunity, possibly on Monday, if I can, I shall ask to have the bill taken up. It is very important that it should be passed, or else in a very short while we shall have a Territory with thirty thousand and odd people upon it without any government. I repeat, I shall endeavor to call up the bill at a very early day, so that it may be disposed of. I am sure it will take only a comparatively short time.

Mr. WILLIAMS. I do not know how long it will take to pass the bill, but there is a part of it to which somewhat strenuous objection will be made.

Mr. STONE. I stated that.

The VICE PRESIDENT. The bill will be placed on the calendar.

GOVERNMENT OF PORTO RICO.

Mr. OVERMAN. Mr. President, I ask that the unfinished business, Senate bill 8148, be laid before the Senate.

The VICE PRESIDENT. The unfinished business is before the Senate. The Senator from Colorado [Mr. SHAFROTH] has been recognized.

Mr. SHAFROTH. I ask the Senator from North Carolina to consent that the unfinished business may be temporarily laid aside so that the Senate may consider for a few minutes the Porto Rican bill. I will state that an amendment to meet the only difficulty which has been in the way of the passage of the bill has practically been agreed upon by both sides; in fact, it has actually been agreed upon. If the Senator from North Carolina will consent to temporarily lay aside the unfinished business, I think we shall get through with the Porto Rican bill in five minutes.

The VICE PRESIDENT. Does the Senator from North Carolina consent?

Mr. OVERMAN. Mr. President, I am assured by both sides that the Porto Rican bill will not take over 10 minutes in order to be disposed of, and I will consent that the unfinished business may be temporarily laid aside for 15 minutes, by unanimous consent.

Mr. SHAFROTH. I move, Mr. President—

The VICE PRESIDENT. A motion is not necessary. By unanimous consent the unfinished business is temporarily laid aside for 15 minutes for the purpose of considering what is known as the Porto Rican bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9533) to provide a civil government for Porto Rico, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from North Dakota [Mr. GRONNA].

Mr. GRONNA. Mr. President, I realize that the Porto Rican bill is one of the measures which have been recommended for passage by the President of the United States, and I, as one Senator, certainly do not wish to be in the way of the passage of the measure. I therefore desire to withdraw my original amendment and to offer a substitute therefor, which I ask may now be read.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Massachusetts consent to the request of the Senator from North Dakota?